



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 28] नई दिल्ली, जुलाई 9—जुलाई 15, 2017, शनिवार/आषाढ़ 18—आषाढ़ 24, 1939
No. 28] NEW DELHI, JULY 9—JULY 15, 2017, SATURDAY/ASADHA 18—ASADHA 24, 1939

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक् संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(वित्तीय सेवाएं विभाग)
नई दिल्ली, 4 जुलाई, 2017

का.आ. 1638.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री अनिल कुमार खाची के स्थान पर, श्री रवि मित्तल, अपर सचिव, वित्तीय सेवाएं विभाग को तत्काल प्रभाव से और अगले आदेशों तक, पंजाब नैशनल बैंक के निदेशक मण्डल में सरकारी नामिती निदेशक नामित करती है।

[फा.सं. 6/3/2012-बीओ-1]

ज्ञानोत्तम राय, अवर सचिव

MINISTRY OF FINANCE**(Department of Financial Services)**

New Delhi, the 4th July, 2017

S.O. 1638.—In exercise of the powers conferred by clause (b) of Sub-Section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominates Shri Ravi Mital, Additional Secretary, Department of Financial Services, as Government Nominee Director on the Board of Directors of Punjab National Bank with immediate effect and until further orders vice Shri Anil Kumar Khachi.

[F. No. 6/3/2012-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1639.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उपखंड (1) और खंड (5) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खंड (ज) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा, श्री केवल हांडा (जन्म तिथि 22.08.1952) को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, यूनियन बैंक आफ इंडिया में अंशकालिक गैर-सरकारी निदेशक के साथ-साथ गैर-कार्यकारी अध्यक्ष नियुक्त करती है।

[फा.सं. 4/7/2016-बीओ- I]

ज्ञानोतोष राय, अवर सचिव

New Delhi, the 6th July, 2017

S.O. 1639.—In exercise of the powers conferred by clause (h) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 & clause 5 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government after consultation with the Reserve Bank of India, hereby appoints Shri Kewal Handa (DoB: 22.08.1952) as Part-time Non Official Director as well as Non-Executive Chairman in Union Bank of India for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 4/7/2016-BO-I]

JNANATOSH ROY, Under Secy.

(राजस्व विभाग)

(हिंदी अनुभाग-2)

नई दिल्ली, 4 जुलाई, 2017

का.आ. 1640.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनां के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, राजस्व विभाग के अधीन सीमाशुल्क आयुक्त (सामान्य) कार्यालय, नई दिल्ली को, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[फा. सं. ई-11017/2/2017-हिंदी-II (डीओआर-डीओआर)]

डॉ. सतीश चन्द्र, संयुक्त निदेशक (राजभाषा)

(Department of Revenue)

(HINDI SECTION-2)

New Delhi, the 4th July, 2017

S.O. 1640.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies Office of the Commissioner Customs (General) New Delhi, under the Department of Revenue, where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11017/2/2017- Hindi-II (DOR-DOR)]

Dr. SATISH CHANDRA, Jt. Director (O.L.)

मानव संसाधन विकास मंत्रालय

(उच्चतर शिक्षा विभाग)

(राजभाषा प्रभाग)

नई दिल्ली, 27 जून, 2017

का.आ. 1641.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम 4 के अनुसरण में, मानव संसाधन विकास मंत्रालय (स्कूल शिक्षा एवं साक्षरता विभाग) के अंतर्गत निम्नलिखित कार्यालयों को, ऐसे कार्यालयों के रूप में, जिनके 80 प्रतिशत से अधिक कर्मचारी-वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:-

1.	केंद्रीय विद्यालय न. 1, वायु सेना अकादमी, हुंडीगल, हैदराबाद- 500043
2.	केंद्रीय विद्यालय न. 1 गोलकोंडा, लंगर हाउस, हैदराबाद- 500008
3.	केंद्रीय विद्यालय, कंचनबाग, डी आर डी ओ कैम्पस, हैदराबाद- 500058
4.	केंद्रीय विद्यालय, तिरूमलगिरी, सिकंदराबाद, तेलंगाणा- 500015
5.	केंद्रीय विद्यालय न. 2, उप्पल, भारतीय सर्वेक्षण विभाग, जिला- रंगारेड्डी, हैदराबाद- 500039
6.	केंद्रीय विद्यालय, एस वी पी राष्ट्रीय पुलिस अकादमी, शिवरामपल्ली, हैदराबाद-500052
7.	केंद्रीय विद्यालय न. 2, वायु सेना अकादमी, हुंडीगल, हैदराबाद- 500043
8.	केंद्रीय विद्यालय, गञ्जिबौली, जी पी आर ए कैम्पस, इंदिरानगर, गञ्जिबौली हैदराबाद- 500032
9.	केंद्रीय विद्यालय, बोवनपल्ली, पेंशन लाइन, बोवनपल्ली, सिकंदराबाद- 500011
10.	केंद्रीय विद्यालय, गुंटूर (पाली-2), नल्लपाडु, गुंटूर, आंध्र प्रदेश- 522005
11.	केंद्रीय विद्यालय, आयुध निर्माणी, एद्दूमैलारम, जिला—मेदक, तेलंगाणा- 502205
12.	केंद्रीय विद्यालय, कर्नूल, नंदय्याल चेक पोस्ट के पास, आंध्र प्रदेश— 518002
13.	केंद्रीय विद्यालय न.1, रेलवे कॉलोनी, सत्यनारायणपुरम, विजयवाड़ा, आंध्र प्रदेश- 520011
14.	केंद्रीय विद्यालय न.2, कैरेज रिपेयर शॉप, सेट्टीपल्ली, तिरुपति -517506
15.	केंद्रीय विद्यालय, एस के यू कैम्पस, एस.वी. पुरम, अनंतपुरम-515003
16.	केंद्रीय विद्यालय, राजीव गृहकल्प के पास, कडीपिकोंडा गाँव, हनमकोंडा, वरंगल- 506003
17.	केंद्रीय विद्यालय, खम्मम, करूणागिरी, साईं मंदिर के सामने, खम्मम- 507003

18.	केंद्रीय विद्यालय, ओंगोल, डी ए पॉलीटेक्निक कॉलेज के पास, हाउसिंग बोर्ड कॉलोनी, ओंगोल-523002 (आंध्र प्रदेश)
19.	केंद्रीय विद्यालय, महबूबनगर, येनुगोंडा, महबूबनगर- 509002
20.	केंद्रीय विद्यालय, नलगोंडा, वाई एस आर पार्क के पास, रामनगर नलगोंडा, तेलंगाना राज्य- 508001
21.	केंद्रीय विद्यालय, नेल्लूर, राजीव स्वगृह अपार्टमेंट्स के पास, कोत्तूर, पोदलकुरु रोड, नेल्लूर-524004
22.	केंद्रीय विद्यालय, हैदराबाद विश्वविद्यालय परिसर, गच्चिबौली, हैदराबाद- 500046
23.	केंद्रीय विद्यालय, नरेला, सैक्टर ए-5, पॉकेट-II, नरेला, दिल्ली-110040
24.	केंद्रीय विद्यालय, सैक्टर—12 द्वारका, नई दिल्ली- 110078
25.	केंद्रीय विद्यालय, सीमा सुरक्षा बल, के.एम.एस. वाला, फिरोजपुर- 152003
26.	केंद्रीय विद्यालय, एस.एल.आई.ई.टी., लोंगोवाल, जिला- संगरूर, पंजाब- 148106
27.	केंद्रीय विद्यालय, दंतेवाड़ा, चितालंका, दंतेवाड़ा (छत्तीसगढ़) - 494449
28.	केंद्रीय विद्यालय, कोरबा नं. 4, बीसीपीपी, कावेरी विहार, जमनीपाली, कोरबा (छत्तीसगढ़)-495450

[सं. 11011-3/2016-रा.भा.ए.]

सुखबीर सिंह संधु, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT**(Department of Higher Education)**

(O. L. UNIT)

New Delhi, the 27th June, 2017

S.O. 1641.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the Ministry of Human Resource Development, (Department of School Education & Literacy) as office, whose more than 80% members of the staff have acquired working knowledge of Hindi:-

1.	Kendriya Vidyalaya No. 1, Air Force Academy, Dundigal, Hyderabad- 500043
2.	Kendriya Vidyalaya No. 1, Golconda, Langar House, Hyderabad- 500008
3.	Kendriya Vidyalaya, Kanchanbagh, DRDO Campus, Hyderabad- 500058
4.	Kendriya Vidyalaya, Tirumalagiri, Secunderabad, Telangana - 500015
5.	Kendriya Vidyalaya No. 2, Uppal, Survey of India, Distt-Rangareddy, Hyderabad- 500039
6.	Kendriya Vidyalaya, SVP National Police Academy, Shivarampally, Hyderabad-500052
7.	Kendriya Vidyalaya No. 2 , Air Force Academy, Dundigal, Hyderabad- 500043
8.	Kendriya Vidyalaya, Gachibowli, GPRA Campus, Indira Nagar, Gachibowli, Hyderabad- 500032
9.	Kendriya Vidyalaya Bowenpally, Pension Line, Bowenpally, Secunderabad-500011
10.	Kendriya Vidyalaya, Guntur (Shift-2), Nallapadu, Guntur, Andhra Pradesh- 522005

11.	Kendriya Vidyalaya, Ordnance Factory, Eddumailaram, Distt.- Medak, Telangana- 502205
12.	Kendriya Vidyalaya, Kurnool, Near to Nandyal Check Post, Andhra Pradesh- 518002
13.	Kendriya Vidyalaya No.1, Railway Colony, Satyanarayanapuram, Vijaywada, Andhra Pradesh- 520011
14.	Kendriya Vidyalaya No. 2, Carriage Repair Shop, Settipalli, Tirupati- 517506
15.	Kendriya Vidyalaya, SKU Campus, S.V. Puram, Anantapuram – 515003
16.	Kendriya Vidyalaya, Near Rajiv Gruh Kalp, Kadipikonda Village, Hanamkonda, Warangal- 506003
17.	Kendriya Vidyalaya, Khammam, Karunagiri, Opp. Sai Temple, Khammam- 507003
18.	Kendriya Vidyalaya, Ongole, Near D. A. Polytechnic College, Housing Board Colony, Ongole- 523002 (Andhra Pradesh)
19.	Kendriya Vidyalaya, Mehabubnagar, Yenugonda, Mehabunagar-509002
20.	Kendriya Vidyalaya, Nalgonda, Beside YSR Park, Ramnagar, Nalgonda, Telangana state - 508001
21.	Kendriya Vidyalaya, Nellore, Near Rajiv Swagruh Apartments, Kothur, Podalkur Road, Nellore-524004
22.	Kendriya Vidyalaya, University of Hyderabad Campus, Gachibowli, Hyderabad- 500046
23.	Kendriya Vidyalaya, Narela, Sector A-5, Pocket-II, Narela, Delhi-110040
24.	Kendriya Vidyalaya, Sector-12, Dwarka, New Delhi-110078
25.	Kendriya Vidyalaya, BSF, KMS WALA, Ferozpur- 152003
26.	Kendriya Vidyalaya, SLIET, Longowal, Distt. –Sangrur, Punjab -148106
27.	Kendriya Vidyalaya, Dantewada, Chitalanka, Dantewada (Chattisgarh)- 494449
28.	Kendriya Vidyalaya, Korba No. 4, BCPP, Kaveri Vihar, Jamnipali, Korba (Chattisgarh)- 495450

[No. 11011-3/2016-रा.भा.ए.]

SUKHBIR SINGH SANDHU, Jt. Secy.

नई दिल्ली, 29 जून, 2017

का.आ. 1642.—इस मंत्रालय की सम संख्यक अधिसूचना दिनांक 23 नवंबर, 2016 और आरोविले फाउंडेशन अधिनियम, 1988 (1988 के 54) की धारा 12 के साथ पठित धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा केंद्र सरकार आरोविले फाउंडेशन के शासकीय बोर्ड के सदस्य के रूप में निम्नलिखित व्यक्तियों को उनके नामांकन की तिथि से चार वर्ष की अवधि अथवा अग्रिम आदेश तक नामांकित करती है :

1. डॉ. प्रेमा नंदकुमार, श्रीअरविंदो स्कॉलर (सदस्य)
[आरोविले फाउंडेशन अधिनियम की धारा 11(1)(i) के तहत]
2. प्रो. सच्चिदानंद मोहंती, उप-कुलपति, केंद्रीय विश्वविद्यालय, ओडिशा (सदस्य)
[आरोविले फाउंडेशन अधिनियम की धारा 11(1)(i) के तहत]

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| 3. डॉ. अनिर्बान गांगुली, निदेशक
डॉ. श्यामा प्रसाद मुखर्जी अनुसंधान फाउंडेशन | (सदस्य)
[आरोविले फाउंडेशन अधिनियम की
धारा 11(1)(i) के तहत] |
| 4. डॉ. निरिमा ओजा, प्रोफेसर
मौखिक पैथोलॉजी विभाग, महात्मा गांधी
दंत विज्ञान स्नातकोत्तर, पुदुचेरी | (सदस्य)
[आरोविले फाउंडेशन अधिनियम की
धारा 11(1)(i) के तहत] |

[फा. सं. 27-9/2012-यूयू]

राकेश रंजन, संयुक्त सचिव

New Delhi, the 29th June, 2017

S.O. 1642.—In continuation of this Ministry's Notification of even number dated 23rd November, 2016 and in exercise of the powers conferred by Section 11 read with Section 12, of the Auroville Foundation Act, 1988 (54 of 1988), the Central Government hereby nominates the following persons as members of the Governing Board of the Auroville Foundation for a period of four years, from the date of their nomination or until further orders :

- | | |
|--|---|
| 1. Dr. Prema Nandkumar, Sri Aurobindo Scholar | (Member)
[under Section 11(1)(i) of
Auroville Foundation Act] |
| 2. Prof. Sachindanand Mohanty, Vice-Chancellor,
Central University Orissa | (Member)
[under Section 11(1)(i) of
Auroville Foundation Act] |
| 3. Dr. Anirban Ganguly, Director
Dr. Syama Prasad Mookerjee Research Foundation | (Member)
[under Section 11(1)(i) of
Auroville Foundation Act] |
| 4. Dr. Nirima Oza, Professor,
Department of Oral Pathology, Mahatma Gandhi
Postgraduate Institute of Dental Sciences, Puducherry | (Member)
[under Section 11(1)(i) of
Auroville Foundation Act] |

[F. No. 27-9/2012-UU]

RAKESH RANJAN, Jt. Secy.

विद्युत मंत्रालय

नई दिल्ली, 7 जुलाई, 2017

का.आ. 1643.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन दामोदर घाटी निगम के बेरमो खान, दामोदर घाटी निगम, जिला-बोकारो, दाघानि, झारखण्ड-829104, जिसके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

[सं. 11017/10/2013-हिंदी]

अंजू भल्ला, संयुक्त सचिव (प्रशा.)

MINISTRY OF POWER

New Delhi, the 7th July, 2017

S.O. 1643.—In pursuance of Sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notify BERMO MINES, DAMODAR VALLEY CORPORATION, DIST.-BOKARO, DVC, JHARKHAND-829104 of the DVC under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi.

[No. 11017/10/2013-Hindi]

ANJU BHALLA, Jt. Secy. (Adm.)

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

शुद्धि-पत्र

नई दिल्ली, 21 अप्रैल, 2017

का.आ. 1644.—इस विभाग की अधिसूचना सं. यू. 12012/673/2015-एमई-(पी-II) दिनांक 3.12.2015 के अनुक्रम में भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद् से परामर्श करके उक्त अधिनियम की प्रथम अनुसूची में, निम्नलिखित, और संशोधन करती है, अर्थात्:—

उक्त अनुसूची में—

“मणिमाल विश्वविद्यालय, मणिपाल” के समक्ष ‘पंजीकरण के लिए संक्षिप्तिकरण’ कालम (3) शीर्षक के अंतर्गत एमडी (पल्मोनरी मेडिसिन) मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह कस्तूरबा मेडिकल कॉलेज, मंगलूर, कर्नाटक की *बजाय* कस्तूरबा मेडिकल कॉलेज, मणिपाल में 2014 को या बाद में प्रशिक्षित किए गए छात्रों को मणिपाल विश्वविद्यालय, कर्नाटक द्वारा प्रदत्त होगी।”

[सं. यू-12012/673/2015-एमई(पी-II)]

डी. वी. के. राव, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

CORRIGENDUM

New Delhi, 21st April, 2017

S.O. 1644.—In continuation to this Department's Notification No. U.12012/673/2015-ME(P-II) dated 03.12.15, and in exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956(102 of 1956), the Central Government, hereby makes the following further amendments in the First Schedule to the said Act, namely:—

In the said Schedule —

against “Manipal University, Karnataka” under the heading ‘Abbreviation for Registration’ (column 3), the MD (Pulmonary Medicine) qualification shall be recognised medical qualifications when granted by Manipal University, Karnatka on or after 2014 in respect of students being trained at Kasturba Medical College, Manipal *instead* of Kasturba Medical College, Mangalore, Karnataka.”

[No. U.12012/673/2015-ME(P-II)]

D. V. K. RAO, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 19 मई, 2017

का.आ. 1645.—इस विभाग की अधिसूचना सं. यू. 12012/01/2017-एमई-I दिनांक 02 फरवरी, 2017 के अनुक्रम में और भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद् से परामर्श करके उक्त अधिनियम की प्रथम अनुसूची में, निम्नलिखित, और संशोधन करती है, अर्थात्:—

उक्त अनुसूची में—

क) “डॉ. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आंध्र प्रदेश” के समक्ष ‘पंजीकरण के लिए संक्षिप्तिकरण’ कालम (3) शीर्षक के अंतर्गत एम.एस. (ऑपथालमोलॉजी) मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह जीएसएल मेडिकल कॉलेज एंड जीएसएल जनरल अस्पताल, लक्ष्मीपुरम, राजामुंद्री में 2015 की *बजाय* 2014 अथवा उसके पश्चात् प्रशिक्षित किए गए छात्रों को डॉ. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आंध्र प्रदेश द्वारा प्रदत्त होगी।”

[सं. यू-12012/473/2015-एमई-I]

डी. वी. के. राव, अवर सचिव

CORRIGENDUM

New Delhi, the 19th May, 2017

S.O. 1645.—In continuation to this Department's Notification No. U.12012/01/2017-ME-I dated 2nd February, 2017, and in exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely:—

In the said Schedule –

- (a) against “Dr. NTR University of Health Sciences, Vijaywada, Andhra Pradesh” under the heading ‘Abbreviation for Registration’ (column 3), the MD/MS (Ophthalmology) qualification shall be a recognised medical qualification when granted by Dr. NTR University of Health Sciences, Vijaywada, Andhra Pradesh in respect of students being trained at GSL Medical College & GSL General Hospital, Lakshmipuram, Rajahmundry on or after 2014 *instead of* 2015”.

[No. U-12012/473/2015-ME-I]

D. V. K. RAO, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 25 मई, 2017

का.आ. 1646.—इस विभाग की अधिसूचना सं. यू. 12012/63/2012-एमई-(पी. II) दिनांक 29.10.2012 के अनुक्रम में और भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद् से परामर्श करके उक्त अधिनियम की प्रथम अनुसूची में, निम्नलिखित, और संशोधन करती है, अर्थात्:-

उक्त अनुसूची में-

- ड.) “चौ. चरण सिंह विश्वविद्यालय, मेरठ, उत्तर प्रदेश” के समक्ष ‘पंजीकरण के लिए संक्षिप्तिकरण’ कालम (3) शीर्षक के अंतर्गत डिप्लोमा इन मेडिसिन (रेडियो डायग्नोसिस) ‘मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह एल.एल.आर.एम. मेडिकल कॉलेज, मेरठ, उत्तर प्रदेश में 1990 की बजाए 1976 अथवा उसके पश्चात् प्रशिक्षित किए गए छात्रों को चौ. चरण सिंह विश्वविद्यालय, मेरठ, उत्तर प्रदेश द्वारा प्रदत्त होगी।”

[सं. यू-12012/63/2012-एमई(पी-II)]

डी. वी. के. राव, अवर सचिव

CORRIGENDUM

New Delhi, the 25th May, 2017

S.O. 1646.—In continuation to this Department’s Notification No. U.12012/63/2012-ME(P.II) dated, 29.10.2012, and in exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956(102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely:—

In the said Schedule –

- e) against “Ch. Charan Singh University, Meerut, Uttar Pradesh” under the heading ‘Abbreviation for Registration’ (column 3), the Diploma in Medicine (Radio Diagnosis) qualification shall be a recognised medical qualification when granted by Ch. Charan Singh University, Meerut, Uttar Pradesh in respect of students being trained at L.L.R.M. Medical College, Meerut on or after 1976 *instead of* 1990”.

[No. U.12012/63/2012-ME(P-II)]

D.V. K. RAO, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 26 मई, 2017

का.आ. 1647.—इस विभाग की अधिसूचना सं. यू. 12012/01/2017-एमई-I दिनांक 02 फरवरी, 2017 के अनुक्रम में और भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद् से परामर्श करके उक्त अधिनियम की प्रथम अनुसूची में, निम्नलिखित, और संशोधन करती है, अर्थात्:-

उक्त अनुसूची में-

क्रम सं.	विश्वविद्यालय	कॉलेज का नाम	पाठ्यक्रम	मान्यता की तारीख और माह
1.	डॉ. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आंध्र प्रदेश	यह जीएसएल मेडिकल कॉलेज एंड जीएसएल जनरल अस्पताल, लक्ष्मीपुरम, राजामुंद्री	एमएस (ओबीजी)	3 सीट की मान्यता 2016 की बजाए 2014 से
			डीजीओ	1 सीट की मान्यता 2011 की बजाए 2009 से

[सं. यू-12012/473/2015-एमई-I]

डी. वी. के. राव, अवर सचिव

CORRIGENDUM

New Delhi, the 26th May, 2017

S.O. 1647.—In continuation to this Department's Notification No. U.12012/01/2017-ME.I dated -2nd February, 2017, and in exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956(102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely:-

In the said Schedule –(d)

Sl. No.	University	Name of College	Course	Date/month of recognition
1.	Dr. NTR University of Health Sciences, Vijaywada, Andhra Pradesh	GSL Medical College & GSL General Hospital, Lakshmipuram, Rajahmundry	MS (OBG)	Recognition of 3 seats from 2014 instead of 2016
			DGO	Recognition of 1 seat from 2009 instead of 2011

[No. U. 12012/473/2015-ME.I]

D. V. K. RAO, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 26 मई, 2017

का.आ. 1648.—इस विभाग की अधिसूचना सं. यू. 12012/25/2016-एमई पी-1 दिनांक 25.05.2016 के अनुक्रम में और भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद् से परामर्श करके उक्त अधिनियम की प्रथम अनुसूची में, निम्नलिखित, और संशोधन करती है, अर्थात्:-

उक्त अनुसूची में-

“बुंदेलखंड विश्वविद्यालय, झांसी” के समक्ष ‘पंजीकरण के लिए संक्षिप्तिकरण’ कालम (3) शीर्षक के अंतर्गत डॉक्टर ऑफ मेडिसिन (रेडियो डायग्नोसिस) अर्हता, मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह एमएलबी मेडिकल कॉलेज, झांसी में 2009 की बजाए 1982 अथवा उसके पश्चात् प्रशिक्षित किए गए छात्रों को बुंदेलखंड विश्वविद्यालय, झांसी, उत्तर प्रदेश द्वारा प्रदत्त होगी।

“बुंदेलखंड विश्वविद्यालय, झांसी” के समक्ष ‘पंजीकरण के लिए संक्षिप्तिकरण’ कालम (3) शीर्षक के अंतर्गत डिप्लोमा इन मेडिसिन रेडियो डायग्नोसिस अर्हता, मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह एमएलबी मेडिकल कॉलेज, झांसी में 2009 की बजाए 1982 अथवा उसके पश्चात् प्रशिक्षित किए गए छात्रों को बुंदेलखंड विश्वविद्यालय, झांसी, उत्तर प्रदेश द्वारा प्रदत्त होगी।

[सं. यू-12012/473/2015-एमई-1]

डी. वी. के. राव, अवर सचिव

CORRIGENDUM

New Delhi, the 26th May, 2017

S.O. 1648.—In continuation to this Department's Notification No. U.12012/25/2016-ME-I dated -25th May, 2016, and in exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956(102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely:—

In the said Schedule –

against “Bundelkhand University, Jhansi” under the heading ‘Abbreviation for Registration’ (column 3), the Doctor of Medicine (Radio Diagnosis) qualification shall be a recognised medical qualification when granted by Bundelkhand University, Jhansi in respect of students being trained at MLB Medical College, Jhansi on or after 1982 *instead of 2009*”.

against “Bundelkhand University, Jhansi” under the heading ‘Abbreviation for Registration’ (column 3), the Diploma in Medicine Radio Diagnosis qualification shall be a recognised medical qualification when granted by Bundelkhand University, Jhansi in respect of students being trained at MLB Medical College, Jhansi on or after 1982 *instead of* 2009”.

[No. U.12012/473/2015-ME-I]

D.V. K. RAO, Under Secy.

नागर विमानन मंत्रालय

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1649.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, नागर विमानन मंत्रालय के उपक्रम भारतीय विमानपत्तन प्राधिकरण के निम्नलिखित कार्यालयों जिनमें 80 प्रतिशत कर्मचारियों द्वारा हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

1. विमानपत्तन निदेशक-कार्यालय, अगरतला।
2. विमानपत्तन निदेशक-कार्यालय, बागडोगरा।
3. विमानपत्तन निदेशक-कार्यालय, गुवाहाटी

[सं. ई-11014/9/2015-रा.भा.]

एस. के. मिश्रा, संयुक्त सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 6th July, 2017

S.O. 1649.—In pursuance of Sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Airports Authority of India, an undertaking of Ministry of Civil Aviation, where 80% of the staff have acquired working knowledge of Hindi.

1. Office of the Airport Director, Agartala
2. Office of the Airport Director, Bag Dogra
3. Office of the Airport Director, Guwahati

[No. E-11014/9/2015-OL]

S. K. MISHRA, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(खाद्य और सार्वजनिक वितरण विभाग)

नई दिल्ली, 10 जुलाई, 2017

का.आ. 1650.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को राजपत्र में अधिसूचित करती है :-

1. भारतीय खाद्य निगम,
जिला कार्यालय, तिरुवनन्तपुरम
वलियातुरा, डोमेस्टिक एयरपोर्ट रोड,
तिरुवनन्तपुरम

[सं. ई-11011/1/2008-हिन्दी]

टी. के. मनोज कुमार, संयुक्त सचिव

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Food and Public Distribution)**

New Delhi, the 10th July, 2017

S.O. 1650.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notifies the following office under the administrative control of Ministry of Consumer Affairs, Food and Public Distribution (Department of Food and Public Distribution), wherein more than 80% of the staff have acquired working knowledge of Hindi :

1. Food Corporation of India,
District Office, Trivandrum,
Valiathura, Domestic Airport Road,
Trivandrum

[No. E-11011/1/2008-Hindi]

T. K. MANOJ KUMAR, Jt. Secy.

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 19 जून, 2017

का.आ. 1651.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (4) के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:-

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा	भाग	अनु	वर्ष
1.	एल-9512369220	03.01.2017	मै0 मनोज कुमार कॉन्ट्रैक्टर, वी पी ओ सुई बवानी खेरा, स्टेशन रोड, जिला भिवानी - 127301, हरियाणा	खड़जे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
2.	एल-9512369725	03.01.2017	मै0 लक्की टाइल्स उद्योग एण्ड बिल्डिंग मैटीरियल सप्लायर, वीपीओ मदीना, तहसील मेहम, जिला रोहतक - 124111, हरियाणा	खड़जे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006

3.	एल- 9512369321	04.01.2017	मै0 महाराजा ज्वैलर्स, 179, ओल्ड सब्जी मण्डी, गांधी चौक, सदर बाज़ार, जिला गुडगांव – 122001, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं – महीनता एवं मुहरांकन	1417	-	-	2016
4.	एल- 9512369422	04.01.2017	मै0 महाराजा ज्वैलर्स, 179, ओल्ड सब्जी मण्डी, गांधी चौक, सदर बाज़ार, जिला गुडगांव – 122001, हरियाणा	चांदी एवं चांदी मिश्रधातु आभूषण/शिल्प वस्तुएं – महीनता एवं मुहरांकन	2112	-	-	2014
5.	एल- 9512369523	04.01.2017	मै0 लक्ष्मण सिंह ज्वैलर्स, शॉप नं0 सी-130, ग्राउंड फ्लोर, गेट नं0. 2, अग्रवाल स्वीट के निकट, पालम बिहार व्यापार केन्द्र, जिला गुडगांव, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं – महीनता एवं मुहरांकन	1417	-	-	2016
6.	एल- 9512369624	04.01.2017	मै0 लक्ष्मण सिंह ज्वैलर्स, शॉप नं0 सी-130, ग्राउंड फ्लोर, गेट नं0. 2, अग्रवाल स्वीट के निकट, पालम बिहार व्यापार केन्द्र, जिला गुडगांव, हरियाणा	खड्गे के लिए पूर्व ढलित कंक्रीट ब्लॉक्स	2112	-	-	2014
7.	एल- 9512369826	04.01.2017	मै0 देव टाइल्स, गांव गोलपुरा, जिला भिवानी, हरियाणा	खड्गे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006

8.	एल- 9512370819	04.01.2017	मै0 वालेंस टेक्नोलोजीस (प्रा0) लि0, खसरा नं0 116/23/2, गांव खतावली, धारूहेड़ा इण्डस्ट्रीयल एरिया के निकट, धारूहेड़ा, जिला रिवाड़ी - 123106, हरियाणा	मलक जल व्यवस्था के लिए उच्च घनत्व वाले पालिएथिलीन पाइप	14333	-	-	2016
9.	एल- 9512370617	05.01.2017	मै0 गोपाल कंक्रीट प्रोडक्ट्स, 3 के एम स्टोन, राजगढ़ रोड, बेहल, जिला भिवानी - 127028, हरियाणा	खड़जे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
10.	एल- 9512370120	07.01.2017	मै0 डीआर. विलिंग मैटीरियल स्प्लायर, दिल्ली रोहतक रोड, ओपोजिट जगमोहन मोटर, सांपला, जिला रोहतक - 124501, हरियाणा	खड़जे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
11.	एल- 9512369919	09.01.2017	मै0 बाबा हरिदास टाइल्स, बाजीतपुर रोड, पुलिस लाइंस के निकट, जिला झज्जर, हरियाणा	खड़जे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
12.	एल- 9512370019	09.01.2017	मै0 जय बाबा भैरोंनाथ कंक्रीट, वाटर वर्क्स के निकट, वीपीओ बसान, तोशाम, जिला भिवानी - 127043, हरियाणा	खड़जे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006

13.	एल- 9512370221	10.01.2017	मै0 शकुन्तलम ज्वैलर्स, शॉप नं0 2ए/48, डबुआ कलोनी, जिला फरीदाबाद, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं – महीनता एवं मुहरांकन	1417	-	-	2016
14.	एल- 9512370322	10.01.2017	मै0 वी0 के0 ज्वैलर्स, शॉप नं0 ई-826/3, एयर फोर्स रोड, डबुआ कलोनी, जिला फरीदाबाद, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं – महीनता एवं मुहरांकन	1417	-	-	2016
15.	एल- 9512370415	10.01.2017	मै0 राधिका ज्वैलर्स, ओल्ड सक्की मण्डी, मेन बाज़ार, बहादुरगढ़, जिला झज्जर, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं – महीनता एवं मुहरांकन	1417	-	-	2016
16.	एल- 9512371215	11.01.2017	मै0 जय श्री श्याम बिल्डिंग मैटीरियल, दादरी रोड, बाडडा, जिला भिवानी – 127030, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
17.	एल- 9512371316	11.01.2017	मै0 मखारया ट्रेडर्स, गांव लुहाना, जिला रिवाड़ी – 123411, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
18	एल- 9512370516	12.01.2017	मै0 सागर बिल्डिंग मैटीरियल सप्लायर एण्ड टाइल्स, भली आनन्दपुर से 2 कि. मी., मेन भिवानी रोड, अनमोल होटल के निकट, जिला रोहतक – 124001, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006

19.	एल- 9512370920	12.01.2017	मै0 श्री राम ज्वैलर्स बिचला बाज़ार, जिला भिवानी - 127021, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
20.	एल- 9512371021	12.01.2017	मै0 श्री राम ज्वैलर्स बिचला बाज़ार, जिला भिवानी - 127021, हरियाणा	चांदी एवं चांदी मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	2112	-	-	2014
21.	एल- 9512371122	12.01.2017	मै0 श्री लक्ष्मी कंस्ट्रक्शन कं. एचपी गैस एजेंसी के निकट, राजगढ़ रोड, गांव बड़वा, सिवानी, जिला भिवानी - 127045, हरियाणा	खड्गे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
22.	एल- 9512371417	16.01.2017	मै0 श्री आनन्द ज्वैलर्स, 861/4, गली नं0 2, अर्जुन नगर, जिला गुडगांव - 122001, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
23.	एल- 9512371518	16.01.2017	मै0 श्री आनन्द ज्वैलर्स, 861/4, गली नं0 2, अर्जुन नगर, जिला गुडगांव - 122001, हरियाणा	चांदी एवं चांदी मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	2112	-	-	2014
24	एल- 9512372015	16.01.2017	मै0 ओएसिस एक्वा इन्टरप्राइसिस, वार्ड नं0 10, सिविल होस्पिटल रोड, लोहारू, जिला भिवानी - 127201, हरियाणा	पैकेजबन्द पेय जल (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004

25.	एल - 9512371619	16.01.2017	मै0 श्री श्याम टाइल्स, गांव झोझू कलां, तहसील चरखी दादरी, जिला भिवानी - 127310, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
26.	एल - 9512371720	17.01.2017	मै0 सुकराम इन्टरप्राइसिस, कन्या गुरुकुल के सामने, पंचगांव, बाडडा, जिला भिवानी - 127308, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
27.	एल - 9512371821	17.01.2017	मै0 बलवान सिंह सप्लायर, नंदल भवन के निकट, वीपीओ - बोहर, जिला रोहतक - 124021, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
28.	एल - 9512371922	17.01.2017	मै0 नीलकण्ठ रॉकमिनरल्स एण्ड इन्फ्राटेक, वी.पी.ओ. मदीना (कौशान), जिला रोहतक - 124111, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
29.	एल - 9512372116	17.01.2017	मै0 धनकर इण्डस्ट्रीस, महेन्द्रगढ़ रोड, बुरौली बस स्टैंड, जिला रिवाड़ी - 123411, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
30.	एल - 9512372217	18.01.2017	मै0 जी. एस. टाइल्स फैक्टरी, बसिया की धानी, सुरेखपुर रोड, भुरियावास, कोसली, जिला रिवाड़ी - 123301, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006

31.	एल- 9512372318	19.01.2017	मै0 अलंकार जैम्स एण्ड ज्वैलरी, सदर बाजार, जिला गुडगांव, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
32.	एल- 9512372419	19.01.2017	मै0 ए. जे. इन्टरप्राइसिस, रेलवे रोड, ओल्ड बस स्टैंड के निकट, सिवानी मण्डी, जिला भिवानी, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
33.	एल- 9512372520	19.01.2017	मै0 अलंकार ज्वैलर्स, सदर बाजार, जिला गुडगांव - 122001, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
34.	एल- 9512372621	19.01.2017	मै0 अलंकार जैम्स एण्ड ज्वैलरी, सदर बाजार, जिला गुडगांव, हरियाणा	चांदी एवं चांदी मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	2112	-	-	2014
35.	एल- 9512372722	19.01.2017	मै0 पवन प्रदीप ज्वैलर्स, शॉप नं0 11, रेलवे रोड, बहादुरगढ़, जिला झज्जर, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
36.	एल- 9512372823	19.01.2017	मै0 आर. के. ज्वैलर्स, शॉप नं0 1 & 2, रेलवे रोड, बहादुरगढ़, जिला झज्जर, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
37.	एल - 9512372924	19.01.2017	मै0 ए. जे. इन्टरप्राइसिस, रेलवे रोड, ओल्ड बस स्टैंड के निकट, सिवानी मण्डी, जिला भिवानी, हरियाणा	चांदी एवं चांदी मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	2112	-	-	2014

38.	एल- 9512373118	19.01.2017	मै0 अपार डॉयमण्डस प्रा0 लि0, 298/10, भीम नगर, ओल्ड रेलवे रोड, जिला गुडगांव, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
39.	एल- 9512373219	19.01.2017	मै0 एस के ज्वैलर्स, 33 फीट रोड, डबुआ कलोनी, फरीदाबाद - 121001, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
40.	एल- 9512373017	20.01.2017	मै0 श्री बाला जी कंक्रीट उद्योग, ताशाम रोड, श्री कृष्ण गौशाला के पीछे, सिवानी, जिला भिवानी - 127046, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
41.	एल- 9512373817	23.01.2017	मै0 श्री कृष्णा टाइल फैक्टरी, कोसली रोड, गांव व डाकघर गुडियानी, जिला रिवाड़ी - 123301, हरियाणा	खडंजे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
42.	एल- 9512373320	24.01.2017	मै0 बैंगो ज्वैलर्स, रेलवे रोड, जिला रोहतक - 124001, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
43.	एल- 9512373421	24.01.2017	मै0 एस एस ओरनामेंट्स एण्ड ज्वैल्स प्रा0 लि0, रेलवे रोड, जिला रोहतक - 124001, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016

44.	एल- 9512373623	25.01.2017	मै0 पप्पू ज्वैलर्स, 399/17, सइयद वाली गली, झज्जर रोड, जिला रोहतक, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
45.	एल- 9512373724	25.01.2017	मै0 रूपाली ज्वैलर्स, सुनारों वाली गली, रेलवे रोड, जिला रोहतक, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
46.	एल- 9512373522	27.01.2017	मै0 डीएसजी बैवरेजिस, 21, मंझावली रोड, गांव सिदौला, जिला फरीदाबाद - 121001, हरियाणा	पैकेजबन्द पेय जल (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	14543	-	-	2004
47.	एल- 9512374019	27.01.2017	मै0 आर पी एण्ड सन्स ज्वैलर्स, शॉप नं0 362, वार्ड नं0 18, जैकबपुरा, जिला गुडगांव, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
48.	एल- 9512374120	27.01.2017	मै0 शिव ज्वैलर्स, अनाज मण्डी चौक, रेलवे स्टेशन के निकट, जिला रोहतक - 124001, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
49.	एल- 9512374221	27.01.2017	मै0 श्री हरि ज्वैलर्स, बिचला बाजार चौक, जिला भिवानी - 127021, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं - महीनता एवं मुहरांकन	1417	-	-	2016
50.	एल- 9512373918	30.01.2017	मै0 एलटैक ट्रांसफॉर्मर प्राइवेट लिमिटेड, प्लॉट नं0 14, गली नं0 5, कृष्णा कलौनी, सैक्टर - 25, जिला फरीदाबाद - 121004, हरियाणा	बाह्य रंग तेल इम्मेसड वितरण ट्रांसफॉर्मर भाग 1 मिनरल तेल निमिजित	1180	01	-	2014

51.	एल- 9512374322	30.01.2017	मै0 श्री अलख ईट उद्योग, राजगढ़ रोड, वीपीओ बहल, जिला भिवानी – 127028, हरियाणा	खड्गे के लिए पूर्व ढलित कंक्रीट ब्लॉक	15658	-	-	2006
52.	एल- 9512374423	30.01.2017	मै0 श्री लवली ज्वैलर्स, मेन बाज़ार, बादशाहपुर, सोहना रोड, जिला गुडगांव, हरियाणा	स्वर्ण एवं स्वर्ण मिश्रधातु आभूषण/शिल्प वस्तुएं – महीनता एवं मुहरांकन	1417	-	-	2016
53.	एल- 9512374524	30.01.2017	मै0 श्री लवली ज्वैलर्स, मेन बाज़ार, बादशाहपुर, सोहना रोड, जिला गुडगांव, हरियाणा	चांदी एवं चांदी मिश्रधातु आभूषण/शिल्प वस्तुएं – महीनता एवं मुहरांकन	2112	-	-	2014

[सं. सीएमडी/13:11]

सुनील कुमार, वैज्ञानिक एफ एवं प्रमुख

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 19th June, 2017

S.O. 1651.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licences No. CM/L-	Grant Date	Name & Address of the Licensee	Title of the Standard	IS No.	Part	Sec.	Year
1.	L- 9512369220	03.01.2017	M/s Manoj Kumar Contractor, V.P.O. Sui Bawani Khera, Station Road, Distt. Bhiwani - 127301, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
2.	L- 9512369725	03.01.2017	M/s Lucky Tiles Udyog and Building Material Supplier, VPO Madina, Tehsil Meham, Distt. Rohtak – 124111, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
3.	L- 9512369321	04.01.2017	M/s Maharaja Jewellers, 179, Old Sabzi Mandi, Gandhi Chowk, Sadar Bazar, Distt. Gurgaon – 122001, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016

4.	L-9512369422	04.01.2017	M/s Maharaja Jewellers, 179, Old Sabzi Mandi, Gandhi Chowk, Sadar Bazar, Distt. Gurgaon – 122001, Haryana	Silver and Silver Alloys Jewellery/Artefacts – Fineness and Marking	2112	-	-	2014
5.	L-9512369523	04.01.2017	M/s Laxman Singh Jewellers, Shop No. C-130, Ground Floor, Gate No. 2, Near Aggarwal Sweets Palam Vihar Vaypar Kender, Distt. Gurgaon, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
6.	L-9512369624	04.01.2017	M/s Laxman Singh Jewellers, Shop No. C-130, Ground Floor, Gate No. 2, Near Aggarwal Sweets Palam Vihar Vaypar Kender, Distt. Gurgaon, Haryana	Silver and Silver Alloys Jewellery/Artefacts – Fineness and Marking	2112	-	-	2014
7.	L-9512369826	04.01.2017	M/s Dev Tiles, Village Golpura, Distt. Bhiwani, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
8.	L-9512370819	04.01.2017	M/s Valens Technologies (P) Ltd., Khasra No. 116/23/2, Village Khatawali, Near Dharuhera Industrial Area, Dharuhera, Distt. Rewari – 123106, Haryana	High Density Polyethylene Pipe for Sewerage	14333	-	-	1996
9.	L-9512370617	05.01.2017	M/s Gopal Concrete Products, 3KM Stone, Rajgarh Road, Behal, Distt. Bhiwani - 127028, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
10.	L-9512370120	07.01.2017	M/s DR. Building Material Supplier, Delhi Rohtak Road, Opp. Jagmohan Motor, Sampla, Distt. Rohtak – 124501, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
11.	L-9512369919	09.01.2017	M/s Baba Haridas Tiles, Bajitpur Road, Near Police Lines, Distt. Jhajjar, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006

12.	L-9512370019	09.01.2017	M/s Jai Baba Bhairunath Concrete, Near Water Works, VPO Busan, Tosham, Distt. Bhiwani - 127043, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
13.	L-9512370221	10.01.2017	M/s Shakuntlam Jewellers, Shop No. 2A/48, Dabua Colony, Distt. Faridabad, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
14.	L-9512370322	10.01.2017	M/s V.K. Jewellers, Shop No. E-826/3, Air Force Road, Dabua Colony, Distt. Faridabad, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
15.	L-9512370415	10.01.2017	M/s Radhika Jewellers, Old Sabzi Mandi, Main, Bazar, Bahadurgarh, Distt. Jhajjar, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
16.	L-9512371215	11.01.2017	M/s Jai Shree Shyam Building Material, Dadri Road, Badra, Distt. Bhiwani – 127030, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
17.	L-9512371316	11.01.2017	M/s Makharya Traders, Village Luhana, Distt. Rewari – 123411, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
18.	L-9512370516	12.01.2017	M/s Sagar Building Material Supplier & Tiles, 2 K.M. from Bhali Anandpur, Main Bhiwani Road, Near Anmol Hotel, Distt. Rohtak – 124001, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
19.	L-9512370920	12.01.2017	M/s Shree Ram Jewellers, Bichla Bazar, Distt : Bhiwani – 127021, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
20.	L-9512371021	12.01.2017	M/s Shree Ram Jewellers, Bichla Bazar, Distt : Bhiwani – 127021, Haryana	Silver and Silver Alloys Jewellery/Artefacts – Fineness and Marking	2112	-	-	2014
21.	L-9512371122	12.01.2017	M/s Shree Luxmi Const. Co., Near HP Gas Agency, Rajgarh Road, Village Barwa, Siwani Distt. Bhiwani – 127045, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006

22.	L-9512371417	16.01.2017	M/s Shree Anand Jewellers, 861/4, Gali No. 2, Arjun Nagar, Distt. Gurgaon - 122001, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
23.	L-9512371518	16.01.2017	M/s Shree Anand Jewellers, 861/4, Gali No. 2, Arjun Nagar, Distt. Gurgaon - 122001, Haryana	Silver and Silver Alloys Jewellery/Artefacts - Fineness and Marking	2112	-	-	2014
24	L-9512372015	16.01.2017	M/s Oasis Aqua Enterprises, Ward No. 10, Civil Hospital Road, Loharu, Distt. Bhiwani - 127201, Haryana	Packaged Drinking Water (Other Than Packaged Natural Mineral Water)	14543	-	-	2004
25.	L-9512371619	17.01.2017	M/s Shree Shyam Tiles, Village Jhojhu Kalan, Tehsil Charkhi Dadri, Distt. Bhiwani - 127310, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
26.	L-9512371720	17.01.2017	M/s Sukram Enterprises, Opposite Kanya Gurukul, Panchgaon, Badra, Distt. Bhiwani - 127308, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
27.	L-9512371821	17.01.2017	M/s Balwan Singh Supplier, Near Nandal Bhawan, V.O.P. Bohar, Distt. Rohtak - 124021, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
28.	L-9512371922	17.01.2017	M/s Neelkanth Rockminerals & Infratech, V.P.O. Madina (Kaurshan), Distt. Rohtak - 124111, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
29.	L-9512372116	18.01.2017	M/s Dhankher Industries, Mahendergrh Road, Buroli Bus Stand, Distt. Rewari - 123411, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
30.	L-9512372217	19.01.2017	M/s G.S. Tiles Factory, Basiya Ki Dhani, Surekhpur Road, Bhuriawas, Kosli, Distt. Rewari - 123301, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
31.	L-9512372318	19.01.2017	M/s Alankar Gems and Jewellery, Sadar Bazar, Distt. Gurgaon, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016

32.	L-9512372419	19.01.2017	M/s A.J. Enterprises, Railway Road, Near Old Bus Stand, Siwani Mandi, Distt. Bhiwani, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
33.	L-9512372520	19.01.2017	M/s Alankar Jewellers, Sadar Bazar, Distt. Gurgaon - 122001, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
34.	L-9512372621	19.01.2017	M/s Alankar Gems and Jewellery, Sadar Bazar, Distt. Gurgaon, Haryana	Silver and Silver Alloys Jewellery/Artefacts - Fineness and Marking	2112	-	-	2014
35.	L-9512372722	19.01.2017	M/s Pawan Pardeep Jewellers, Shop No. 11, Railway Road, Bahadurgarh, Distt. Jhajjar, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
36.	L-9512372823	19.01.2017	M/s R.K. Jewellers, Shop No. 1 & 2, Railway Road, Bahadurgarh, Distt. Jhajjar, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
37.	L-9512372924	19.01.2017	M/s A.J. Enterprises, Railway Road, Near Old Bus Stand, Siwani Mandi, Distt. Bhiwani, Haryana	Silver and Silver Alloys Jewellery/Artefacts - Fineness and Marking	2112	-	-	2014
38.	L-9512373118	19.01.2017	M/s Appar Diamonds Pvt. Ltd., 298/10, Bhim Nagar, Old Railway Road,, Distt. Gurgaon, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
39.	L-9512373219	19.01.2017	M/s S.K. Jewellers, 33 Feet Road, Dabua Colony, Faridabad - 121001, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
40.	L-9512373017	20.01.2017	M/s Shree Balaji Concrete Udyog, Tosham Road, Behind Shri krishan Gaushala, Siwani, Distt. Bhiwani - 127046, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
41.	L-9512373817	23.01.2017	M/s Shri Krishna Tile Factory, Kosli Road, Village & P.O.Gudiani, Tehsil Kosli, Gudiani Distt. Rewari - 123301, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006

42.	L-9512373320	24.01.2017	M/s Bango Jewellers, Railway Road, Distt. Rohtak - 124001, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
43.	L-9512373421	24.01.2017	M/s S.S. Ornaments and Jewels Private Limited, Railway Road, Distt. Rohtak - 124001, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
44.	L-9512373623	25.01.2017	M/s Pappu Jewellers, 399/17, Sayyad Wali Gali, Jhajjar Road, Distt. Rohtak, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
45.	L-9512373724	25.01.2017	M/s Rupali Jewellers, Sunaro Wali Gali, Railway Road, Distt. Rohtak, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
46.	L-9512373522	27.01.2017	M/s DSG Beverages, 21, Manjhawali Road, Village Sidola, Distt. Faridabad - 121001, Haryana	Packaged Drinking Water (Other Than Packaged Natural Mineral Water)	14543	-	-	2004
47.	L-9512374019	27.01.2017	M/s R P & Sons Jewellers, Shop No. 362, Ward No. 18, Jacob Pura, Distt. Gurgaon, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
48.	L-9512374120	27.01.2017	M/s Shiv Jewellers, Anaj Mandi Chowk, Near Railway Station, Distt. Rohtak - 124001, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
49.	L-9512374221	27.01.2017	M/s Shri Hari Jewellers, Bichla Bazar Chowk, Distt. Bhiwani - 127021, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016
50.	L-9512373918	30.01.2017	M/s Eltech Transformers Private Limited, Plot No.14, Gali No.5, Krishna Colony, Sector - 25, Distt. Faridabad - 121004, Haryana	Outdoor Type Oil Immersed Distribution Transformers Part 1: Mineral Oil Immersed	1180	01	-	2014
51.	L-9512374322	30.01.2017	M/s Shree Alakh Entt. Udyog, Rajgarh Road, VPO Behal, Distt. Bhiwani - 127028, Haryana	Precast Concrete Blocks for Paving	15658	-	-	2006
52.	L-9512374423	30.01.2017	M/s Shri Lovely Jewellers, Main Bazar, Badshapur, Sohna Road, Distt. Gurgaon, Haryana	Gold and Gold Alloys Jewellery/Artefacts - Fineness and Marking	1417	-	-	2016

53.	L-9512374524	30.01.2017	M/s Shri Lovely Jewellers, Main Bazar, Badshapur, Sohna Road, Distt. Gurgaon, Haryana	Silver and Silver Alloys Jewellery/Artefacts – Fineness and Marking	2112	-	-	2014
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[No. CMD/13:11]

SUNIL KUMAR, Scientist F & Head

नई दिल्ली, 19 जून, 2017

का.आ. 1652.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :-

अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
01	एल-951234561	मै0 एग्री बैस्ट इण्डिया प्रा0 लि0, लाडवा रोड, रामा सिनेमा के सामने, शाहबाद, जिला पलवल, हरियाणा	दूध का पाउडर आई एस 1165:2002	02.01.2017

[सं. सीएमडी/13:13]

सुनील कुमार, वैज्ञानिक एफ एवं प्रमुख

New Delhi, the 19th June, 2017

S.O. 1652.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each:

SCHEDULE

Sl. No.	Licences No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
01	L-951234561	M/s Agri Best India Pvt. Ltd., Ladawa Road, Opp. Rama Cinema, Shahabad, Distt. Palwal, Haryana	Milk Powder IS 1165:2002	02.01.2017

[No. CMD/13:13]

SUNIL KUMAR, Scientist F & Head

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1653.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चैन्नई के पंचाट (संदर्भ सं. 111/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-12012/72/2014-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 6th July, 2017

S.O. 1653.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 111/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of Canara Bank and their workmen, received by the Central Government on 06.07.2017.

[No. L-12012/72/2014-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**Wednesday, 31st May, 2017**Present :** K.P. PRASANNA KUMARI, Presiding Officer**Industrial Dispute No. 111/2014**

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Canara Bank and their workman)

BETWEEN :Smt. Yamuna : 1st Party/Petitioner**AND**

1. The Assistant General Manager : 2nd Party/1st Respondent
Canara Bank, Kizhaku Veli Veedhi
Madurai-625001

2. Sri N. Manoj : 2nd Party/2nd Respondent
S/o Late Sri T. Nagarajan

Appearance :For the 1st Party/Petitioner : M/s. R. Marudhachalamurthy, AdvocatesFor the 2nd Party/Respondent : M/s. P.R. Raman, AdvocatesFor the 2nd Party/Respondent : M/s. R. Marudhachalamurthy, Advocates**AWARD**

The Central Government, Ministry of Labour & Employment vide its Order No. L-12012/72/2014-IR (B.II) dated 25.11.2014 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the action of dismissal from service of Sri T. Nagarajan by the Management of Canara Bank is justifiable or not? What relief the workman is entitled to?”

2. After receipt of the Industrial Dispute this Tribunal has numbered it as ID 111/2014 and issued notices to both sides. Both sides have entered appearance through their counsel and filed Claim and Counter statement respectively.

3. The averments in the Claim Statement filed by the petitioner in brief are as below:

The petitioner is the legal heir of deceased T. Nagarajan who was an employee of the Respondent Bank. Nagarajan had joined the service of the Respondent as Peon in 1981. He was working to the satisfaction of his superiors. While he had been working at Getticheviyur Branch a Charge Memo was issued to him on 11.10.1999 alleging certain misconducts. As per the Charge Memo Nagarajan had collected Rs. 5,000/- from one Loganathan pretending himself as the Manager of the Bank, had obtained Rs. 17,000/- from one Mylswamy during February 1997 agreeing to arrange loan, had obtained Rs. 500/- each from Savithri and Murugaiyan in the year 1998 also for arranging loans and had borrowed Rs. 90,000/- from one Saraswati agreeing to arrange loan from the Bank. An enquiry was conducted against Nagarajan and the Disciplinary Authority had terminated him from service on the basis of the Enquiry Officer's report which found him guilty of some of the charges. Nagarajan had filed Writ Petition before the High Court of Madras challenging the validity of the enquiry. During the pendency of the Writ Petition Nagarajan died and his legal heirs were impleaded in the Writ Petition. The High Court had directed the Disciplinary Authority to write a reasoned order after considering the explanation to be submitted by the petitioner. Subsequently the Disciplinary Authority had terminated Nagarajan from service and this order was confirmed in appeal also. The enquiry was not conducted in a fair and proper manner. There is no justification for the report of the Enquiry officer. Nagarajan has not committed any misconduct as alleged. An award may be passed setting aside the order of dismissal against Nagarajan and directing the Respondent to pay the entire backwages due to Nagarajan to the petitioner.

4. The Respondent has filed Counter Statement contending as below:

The Respondent is a Nationalized Bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act with its Head Office at Bangalore. Nagarajan, late husband of the petitioner was working at Getticheviyur branch of the respondent Bank as Peon. He indulged in deceiving members of the public by misusing his position in the Bank. He demanded and accepted illegal gratification from customers and others under pretext of arranging loans from the Bank and thereby deriving pecuniary benefits. When this came to light an enquiry was conducted after issuing a Charge Memo. He had fully participated in the enquiry alongwith the Defense Representative of his choice. On completion of the enquiry the Enquiry Officer had submitted his findings. The findings were forwarded to Nagarajan and he had made his submissions on the findings. Subsequently punishment of dismissal was proposed to be imposed on him. After personal hearing he was dismissed from service. His punishment was confirmed by the Appellate Authority. Nagarajan had challenged the orders before the High Court of Madras. As he passed away during the pendency of the proceedings the Writ Petition was prosecuted by his legal heirs. The matter was remanded. Even in the Writ Petition there was no case that the enquiry was not conducted in accordance with the principles of natural justice. Punishment has been imposed on Nagarajan taking into consideration the charges proved in the enquiry. The petitioner is not entitled to any relief.

5. The son of deceased Nagarajan has been impleaded as Supplementary Second Respondent in the proceedings. He has remained ex-parte.

6. The evidence in the case consists of documents marked as Ext.W1 to Ext.W8 and Ext.M1 to Ext.M67. The parties did not adduce any oral evidence.

7. **The points for consideration are:**

- (i) Whether the action of the Respondent in dismissing Nagarajan, the husband of the petitioner from service is justified?
- (ii) What, if any is the relief to which the petitioner is entitled?

The Points

8. Nagarajan, the husband of the petitioner was dismissed from the service of the Respondent while he was working as a Peon at Getticheviyur Branch. An enquiry had been conducted against him on the basis of the Charge Memo that was served on him on 11.10.1999. The dismissal of Nagarajan has been based on the findings of the Enquiry Officer on the charges leveled against him. The charges against Nagarajan as per Ext.M1-the Charge Sheet are as below:

- You have demanded and collected on few occasions, an aggregate sum of Rs. 5,000/- from Sri R. Loganathan S/o Rengasamy Naciker, Eranaikanur Kaliappampalayam (PO) in the presence of Sri K.K. Murugan S/o Karuppusamy Goundar of Kaliappampalayam in the denomination of Rs. 100/- on the pretext of getting PMRY loan posing yourself as Manager of the Branch. When Sri Loganathan insisted on either refund of the amount of so collected by you or for sanctioning of the loan, you assured to return the amount

on or before 24.10.1998. But you have not refunded the amount. As sanctioning of loan was beyond your purview and as you anticipated that Sri Loganathan would prevail upon either for the refund of the amount collected by you or for getting the loan sanctioned, you remained away from duty from 26.10.1998 onwards.

- During Feb. 1997 taking advantage of your acquaintance with Sri A. Mysamy S/o K. Arumugam of Koundayampalayam, you have enticed him that you would arrange for a loan of Rs. 62,500/- for powerloom and further loans under subsidy scheme and on this pretext, you have demanded and obtained Rs. 17,000/- from him, posing yourself as an Officer of the Bank.
- During deepavali season of 1998, you have promised dairy loan of Rs. 15,000/- to Smt. Savithri W/o Rathinamoorthy of Kullampalayam (PO) Gobichettipalayam and on this pretext you have insisted to pay Rs. 1,000/- and had collected Rs. 500/- from her assuring loan facilities through our Gobichettipalayam Branch. On the same lines, you have demanded and collected Rs. 500/- from Sri Murugaiyan S/o Kuppanna Goundar of Kullampalayam (PO) Gobichettipalayam.
- You have promised loan facilities under subsidy scheme to Smt. Saraswathi W/o Thavasiappan of Gobichettipalayam. On this pretext you have demanded and collected Rs. 90,000/- from Smt. Saraswathi. You have deceived Smt. Saraswathi by showing several documents related to the Bank taking advantage of her illiteracy and gullibility, posing yourself to be an official of the Bank.
- All the above named persons have preferred complaint with the Bank. During the investigation ordered by the Bank Smt. Saraswathi and Sri Loganathan confirmed their complaints. When you were called upon by the Investigating Officer to appear before him, you have not appeared before him. Further when an explanation was called for by the Bank vide letter –

(i) MDUC:SSW:9403:E113:99 dated 25.01.1999

- You have not replied them. Thus you have disobeyed the lawful and reasonable orders of the Superior Authorities of the Bank.
- By your above acts you have:
 - (i) indulged in deceiving the gullible members of public misusing your employment in the Bank,
 - (ii) demanded and obtained illegal gratification from customers and others on the pretext of granting/arranging loans and thereby derived pecuniary gains,
 - (iii) become an imposter claiming yourself to be an Officer/Manager of the Bank, cashing in on the illiteracy/gullibility of the villagers,
 - (iv) disobeyed the lawful and reasonable orders of the Superior Authorities of the Bank,
 - (v) caused serious damage to the name and reputation of the Bank in the public and
 - (vi) caused damages to the properties of the Bank and that of its customers

Your above acts being subversive and calculated to cause irreparable damage to the name of the Bank by your indulging in deceitful act of demanding and accepting illegal gratification from the members of the public and therefore prejudicial to the interests of the Bank, you have committed gross misconduct within the meaning of Chapter XI Regulation 3 Clauses (f) and (m) of Canara Bank Service Code.

9. The report of the Enquiry Officer would show that the first two charges against Nagarajan were found not proved. Adverse finding on Nagarajan is only regarding the two remaining charges. The order of the Disciplinary Authority is based on the findings of the Enquiry Officer on these two charges. So what is to be seen is if the Management had actually succeeded in establishing the two charges which were found proved by the Enquiry Officer.

10. As per the third charge Nagarajan had promised dairy loan of Rs. 15,000/- to one Savithri and had insisted for Rs. 1,000/- for this purpose and had collected Rs. 500/- from her assuring that he will be making arrangement for the

loan. In the same manner he is said to have collected Rs. 500/- from one Murugaiyan. Both Savithri as well as Murugaiyan had given complaints to the Bank alleging that Nagarajan had taken money from them. Both these persons were examined in the enquiry proceedings as well. Savithri examined as MW2 has stated that she has given complaint to the Bank against Nagarajan. The complaint has been marked and is before this Tribunal as Ext.M12. She has stated that whatever she has stated in the complaint is true. The only cross-examination of MW2 is on who has prepared this complaint and she has answered that it was prepared by a girl in the presence of the Bank Manager and herself. No question was put to her challenging the details contained in Ext.M12. Ext.M12 it is stated that Nagarajan has agreed to arrange Dairy Loan of Rs. 15,000/-, had demanded Rs. 1,000/- for this purpose and had collected Rs. 500/- from her for this purpose. Thus it could be seen that the version by MW2 against Nagarajan is not at all challenged during cross-examination. This witness, apart from making a complaint directly to the Bank has come forward to give evidence against Nagarajan. There is no reason to disbelieve the evidence given by the witness that Nagarajan had obtained money from her on the pretext that he is a person capable of arranging loan from the Bank.

11. There is also the evidence by Murugaiyan examined as MW3. The complaint given by him to the Bank has been marked as Ext.M13. This witness also has stated that Nagarajan had collected Rs. 500/- from his for arranging loan. He has stated that the complaint was written from the Bank as instructed by him. This witness also was not cross-examined on the contents of the complaint that money was collected by him. If not for his grievance it was unlikely that this witness also would have given evidence against Nagarajan. The evidence of MW2 and MW3 coupled with the complaints filed by them no doubt, shows that Nagarajan had received amount from them assuring that he will arrange loans for them.

12. The last charge against Nagarajan is that he promised loan facilities under subsidy scheme to Saraswati and collected Rs. 90,000/- from her on this pretext. He is also said to have deceived her by showing several documents relating to the Bank taking advantage of her illiteracy, posing himself as the official of the Bank. Saraswati has been examined as MW2. She has stated that she has given complaint to the Bank and also to the Police. Subsequently she had received back the amount from Nagarajan also. Thus there is no dispute about the fact that Nagarajan had collected Rs. 90,000/- from Saraswati. The question is whether the amount was obtained under an assurance that he will arrange loan to her.

13. MW1 is an illiterate. Though the documents that were to be marked through her could not be identified through her she has stated that she has given a complaint against Nagarajan, that she had given money to Nagarajan and after she had given complaint to the Police the amount had been paid back also. She has stated that along with the complaint she had given some documents which were purportedly given by Nagarajan. During her examination she has stated that Nagarajan had told her that he is the Manager of the Bank.

14. Ext.M28 is the complaint that was given by MW1 to the Bank. The complaint states that Nagarajan had agreed to arrange Rs. 2.00 lakhs as loan from the Bank and she had paid Rs. 90,000/- to Nagarajan. During her examination she has stated that the payment was made in different instalments within a period of more than a year. Ext.M28 complaint was given by her on 31.10.1998. However in the subsequent complaint given Ext.M42) her case is that Nagarajan had agreed to arrange loan of Rs. 5,00,000/-. It is surprising that she had paid Rs. 90,000/- just for arranging a loan of Rs. 2.00/- lakhs if her case in Ext.M28 is taken into account. However, it could be seen from Ext.M49 a lawyer notice issued to Nagarajan on 07.02.1998 that her case at that time was that Nagarajan had borrowed Rs. 1.00 lakh from her. DW1 is the lawyer who had sent a reply notice to Ext.M49. This notice is marked as Ext.M50. DW1 has stated during his examination that Ext.M50 was sent by him in reply to Ext.M49. During her examination also MW1 does not have a case that it was for arranging loan Nagarajan had obtained money from her. What she has stated during her examination is that she was concerned with the money and that is why she had given the complaint and she did not ask the Bank to take any action against Nagarajan. Of course, it is there in Ext.M28 that Nagarajan had agreed to arrange loan for her and he had pretended to be the Manager of the Bank. Subsequently she has gone back from this stand. Even MW2 and MW3 from whom money was taken by Nagarajan does not have a case in the complaint that Nagarajan had obtained money stating that he is the Manager or some other Officer of the Bank. It could be seen that there is no consistency in the stand of MW1 regarding the money that was given by her to Nagarajan or the loan agreed to be arranged. It is seen from the evidence that even a Sale Agreement was executed between her and Nagarajan in respect of some property. She has stated in her statement marked as Ext.M32 that Nagarajan was her friend. It could be seen that there was a longstanding relationship between her and Nagarajan and she was paying money to him during intermittent periods probably as loan or for some other purpose. In the normal course a person would not pay Rs. 90,000/- as bribe to get loan of Rs. 2.00 lakhs which is the case in Ext.M28. The evidence available is not sufficient enough to show that money was obtained from her by Nagarajan on the pretext of arranging loan or that he posed as the Manager of the Bank.

15. The second limb of the charge against Nagarajan in respect of his dealings with MW1 is that she was deceived by showing several documents related to the bank. MW1 herself does not have such a case, The officials of the Bank as

well as the Investigating Officer were examined by the Management. MW6, an Officer of the Bank was examined for marking certain documents. These documents have not improved the case of the Management. MW7 was examined to prove the Attendance Register, the complaint by Mysamy, the charge in respect of which is found not proved by the Enquiry Officer, Cheque Book Issue Register, Ledger Sheet, Complaint by MW1, etc. The Attendance Register is produced only to show that Nagarajan had not been attending duty for some time during the period. The Cheque Book Issue Register and Requisition Slips are intended to show that a customer had reported his Cheque Book to be lost. The attempt seems to have been to show that the folios from the Cheque Book which were lost were used by Nagarajan to deceive MW1. However, there is no evidence as to how Nagarajan had received these papers even if he had used them to convince MW1 that he is willing to pay back the amount. MW8 is only the Investigating Officer who had investigated mainly the complaint by MW1. Thus it could be seen that last charge pertaining to MW1 is not convincingly established by the Management.

16. Charges 1 and 2 were found against the Management by the Enquiry Officer himself. The evidence on the last charge pertaining to Saraswati is found unconvincing and not established. So what remains is the finding on the charge in respect of MW2 and MW3.

17. Now the question is whether the punishment that has been imposed on Nagarajan is proportionate to the misconduct that has been committed by him. The counsel for the Respondent has referred to certain case laws in his attempt to show that the punishment of dismissal from service is proportionate to the misconduct proved. Reference has been made to the decision in CHARANJIT LAMBA VS. COMMANDING OFFICER, SOUTHERN COMMAND AND OTHERS reported in 2011 1 SCC 79 in this respect. It was a case where transportation charge was claimed wrongly and there was refusal to pay the final electricity bill also one who was serving as a Major in the Indian Army. The Apex Court has observed that the Officer who was holding the high rank of Major was not maintaining the highest standard of honesty expected of a person working in a disciplined force like the Army. Dismissal from service was found to be the proper punishment. The counsel has also referred to the decision in STATE BANK OF PATIALA VS. GENERAL SECRETARY, STAFF UNION AND OTHERS reported in 2016 4 LLN 255. It was a case where the godown keeper of the Bank had permitted one of the borrowers whose goods had been pledged and kept in the godown to take away the goods and the borrower had replaced them with goods of inferior quality after sometime. The employee was not expected to permit the borrower to remove the goods. He was expected to protect the goods that were given as security to the Bank. He was found to be acting against the interests of the employer. His dismissal from service also was found proper by the Apex Court.

18. Can the instances referred to in the decisions cited above be compared with the misconduct committed by employee concerned herein? The misconduct that stands proved against him is that he had taken Rs. 500/- each from two prospective borrowers who had never approached the Bank asking for loan. He is only a Peon of the Bank. No doubt his conduct is not one that is expected of an employee who is committed to his job. Still it cannot be compared with the instances referred to above.

19. The concerned employee who had committed the misconduct is not alive now. His wife is now prosecuting the dispute. Is the misconduct committed by her husband so drastic as to rid her of her entire livelihood? I do not think so. When the nature of the misconduct is taken into account it could be seen that a lesser punishment would meet the ends of justice.

20. The counsel for the Respondent has referred to the decision in STATE BANK OF INDIA AND OTHERS VS. RAMESH DINKAR PUNDE reported in 2006 7 SCC 212 to advance the argument that when punishment has been imposed by the Disciplinary Authority for the offence established the Tribunal has no power to substitute its own discretion for that of the authority. However, the dictum runs with an addenda that if the penalty is mala fide it is a matter that the Tribunal can interfere. In the present case one of the charges which the Enquiry Officer has found proved is found not established by this Tribunal. For the one charge that is found proved alone dismissal is not a proper punishment. It would have been sufficient if the employee was compulsorily made to retire from service.

21. On the basis of the above findings the punishment imposed on Nagarajan is altered and reduced to Compulsory Retirement from service. The petitioner and the Second Respondent who are his legal heirs would be entitled to all the benefits due to the employee as one who has been compulsorily retired from service. The benefits shall be paid to them within two months of the publication of the Award. In default the Respondent is liable to pay interest @ 7.5% per annum, from the date of the Award.

The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 31st May, 2017)

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : None

For the 2nd Party/Management : None

Documents Marked :**On the petitioner's side**

Ex.No.	Date	Description
Ext.W1	28.12.2001	Orders of the Appellate Authority
Ext.W2	25.02.2012	The Order of the Disciplinary Authority
Ext.W3	27.04.2012	General Power of Attorney with translation
Ext.W4	29.09.2014	Notice issued by the Dy. CLC
Ext.W5	25.11.2014	Order issued by the Government of India Bharat Sarkar Ministry of Labour, Delhi
Ext.W6	04.01.2002	Order in W.P. No. 9453 of 2002
Ext.W7	22.01.2002	Proceedings of Deputy General Manager of Canara Bank
Ext.W8	27.01.2012	Petitioner's explanation to the Deputy General Manager of Canara Bank

On the Management's side

Ex.No.	Date	Description
Ext.M1	11.10.1999	Charge Sheet
Ext.M2	10.12.1999 To 22.02.2000	Enquiry Proceedings (Including Witness Testimonies)
Ext.M3	17.11.1998	ME 01 a
Ext.M4	21.08.1998	ME 01 b
Ext.M5	21.09.1998	ME 01 c
Ext.M6	21.09.1998	ME 01 d
Ext.M7	21.09.1998	ME 01 e
Ext.M8	21.09.1998	ME 01 f
Ext.M9	04.11.1998	ME 01 g
Ext.M10	-	ME 01 h
Ext.M11	-	ME 01 h (Translated version)
Ext.M12	05.12.1998	ME 02
Ext.M13	05.12.1997	ME 03
Ext.M14	06.08.1997	ME 04
Ext.M15	31.10.1998	ME 05
Ext.M16	31.10.1998	ME 06
Ext.M17	28.08.1998	ME 07 a to 1
Ext.M18	25.01.1999	ME 08
Ext.M19	-	ME 09
Ext.M20	-	ME 10
Ext.M21	12.04.1997	ME 11
Ext.M22	-	ME 12
Ext.M23	-	ME 13

Ext.M24	08.08.1993	ME 14
Ext.M25	-	ME 15
Ext.M26	31.10.1998	ME 16
Ext.M27	18.11.1998	ME 17
Ext.M28	12.05.1998	ME 18
Ext.M29	18.11.1998	ME 19
Ext.M30	18.11.1998	ME 20
Ext.M31	-do-	ME 21
Ext.M32	30.10.1998	ME 22
Ext.M33	09.12.1998	ME 23
Ext.M34	31.10.1998	ME 24
Ext.M35	04.10.1998	ME 25
Ext.M36	-	ME 26
Ext.M37	18.11.1998	ME 27
Ext.M38	29.07.1999	ME 28
Ext.M39	22.07.1999	ME 29
Ext.M40	06.09.1999	ME 30
Ext.M41	29.10.1998	ME 31
Ext.M42	22.05.1998	ME 32
Ext.M43	-	DE 01
Ext.M44	-	DE 02
Ext.M45	18.11.1998	DE 03
Ext.M46	24.12.1999	DE 04
Ext.M47	21.12.1999	DE 06
Ext.M48	22.12.1999	DE 07
Ext.M49	07.02.1998	DE 08
Ext.M50	14.02.1998	DE 09
Ext.M51	19.06.2000	Enquiry Officer's Findings
Ext.M52	21.12.1999	Letter from CSE to Disciplinary Authority
Ext.M53	04.01.2000	Letter from CSE to Disciplinary Authority alongwith two annexures dated 24.12.1999
Ext.M54	28.02.2000	Letter from CSE to Enquiry Officer alongwith two Annexures
Ext.M55	07.04.2000	Written brief of the Presenting Officer
Ext.M56	09.06.2000	Written brief filed by the Defence Representative on behalf of CSE
Ext.M57	03.07.2000	Letter from Disciplinary Authority to CSE enclosing Enquiry Officer's Report
Ext.M58	13.07.2000	Reply from CSE to Disciplinary Authority
Ext.M59	-	Submissions of CSE on the Enquiry Report alongwith the annexures
Ext.M60	14.09.2000	Communication pertaining to proposed punishment
Ext.M61	14.10.2000	Proceedings of the Disciplinary Authority along with CSE's written submission
Ext.M62	19.10.2000	Punishment Proceedings

Ext.M63	March, 2002	Affidavit in WP No. 9453 of 2002 filed by CSE
Ext.M64	04.01.2012	Order of the Hon'ble Madras High Court in WP No. 9453 of 2002
Ext.M65	27.01.2012	Representation of the petitioner to the Assistant General Manager, Canara Bank, Circle Officer, Madurai
Ext.M66	27.02.2012	Letter from Canara Bank, HRM, Circle Office, Madurai to the petitioner enclosing orders of the Disciplinary authority dated 25.02.2012
Ext.M67	02.03.2012	Acknowledgment of the petitioner

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1654.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 77/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-12012/6/2012-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th July, 2017

S.O. 1654.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 77/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the Industrial Dispute between the management of Allahabad Bank and their workmen, received by the Central Government on 06.07.2017.

[No. L-12012/6/2012-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present :

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 77/2012

Date of Passing Award – 2nd June, 2017

Between :

1. The Branch Manager,
Allahabad Bank, at./Po. Sunabeda,
Dist. Koraput – 763 001.
2. The Dy. General Manager,
Allahabad Bank, Zonal Office,
3/1-B, IRC Village, Nayapalli,
Bhubaneswar (Orissa) – 751 015

...1st Party-Managements

(And)

Shri Madan Mohan Madala,
C/o. Umakanta Madala,
Qrs. No. 2RA-33/2, AEF Colony,
Sunabeda, Koraput-1

...2nd Party-Workman

Appearances:

Shri C.K. Prusty, Manager	...	For the 1 st Party-Managements
None	...	For the 2 nd Party-Workman

AWARD

This award arises out of a reference with the schedule “whether the action of the Management of Allahabad Bank, Sunabeda Branch in terminating the services of Shri Madan Mohan Madala w.e.f. May, 2008 without considering for re-engagement and in later part for absorption in class-IV cadre is legal and justified? What relief the concerned workman is entitled to?” made by the Government of India, Ministry of Labour vide its letter No. L.-12012/6/2012 (IR(B-II), dated 01/08.08.2012 in exercising its authority under section 10 of the I.D. Act, 1947 (hereinafter referred to as the Act) in the event of a dispute arose between the management of Allahabad Bank, Sunabeda Branch and one Shri Madan Mohan Madala claiming himself to be a workman of the Management-Bank.

2. Factual matrix as comes out from the statement of claim giving rise to the reference is that the disputant workman was given appointment in the cadre of Peon temporarily against the existence vacancy of the Management-Bank and he was directed to work in the branch Bank of Similiguda from 1st August, 2001. He worked as such continuously and uninterruptedly till he was allegedly retrenched on 1st May, 2008. According to him he was discharging his duties entrusted to him sincerely and diligently with utmost satisfaction of his authority. He was paid wages by cash through debit charged vouchers and on some occasions the wage was credited to his saving Bank account maintained in the Branch Bank of Similiguda. After completion of seven years in such temporary job when he requested the Management to regularise his service, the Management disengaged him with effect from 01.05.2008 without prior notice and retrenchment compensation. As his retrenchment was in violation of Section 25-F of the Act i.e. without giving a notice and retrenchment compensation, the alleged retrenchment amounts to illegal and unjustified. Hence, prayer has been made for his reinstatement with effect from 01.08.2001 along with all back wages and other service benefits including continuity of service.

3. On being noticed the Management appeared and filed its written statement denying the allegations raised by the disputant workman. It has been averred by the Management that the disputant was never engaged or employed in any capacity in the branch Bank of the Management at Similiguda. There is no system of appointment or engagement of temporary subordinate staff in the Management-Bank. Appointment to any cadre of posts in the Bank is required to be made with conformity to the recruitment rules and guidelines framed by the Management-Bank and as such question does not arise for appointment of the disputant without inviting applications from the candidates and holding selection test. Payment, if any, made to the disputant through voucher is a part and procedure of receipt and payment made by the Bank for any contingency work and the same does not confer any right to the disputant to be re-inducted as a temporary employee of the Bank. As such the Management has submitted for rejection of the statement of claim of the disputant.

4. On the aforesaid pleadings of the parties the issues to be determined for just and proper adjudication of the dispute is given below:-

ISSUES

1. Whether the reference is maintainable?
2. Whether the action of the Management of Allahabad Bank, Sunabeda Branch in terminating the services of Shri Madan Mohan Madala w.e.f. May, 2008 without considering for re-engagement and in later part for absorption in Class-IV cadre is legal and justified?
3. If not, to what relief the workman is entitled?

5. The disputant workman filed his examination in chief in sworn affidavit and when the case was posted for filing of certain documents by the Management and cross-examination the disputant workman, he failed to attend the Tribunal for his cross-examination inspite of several adjournments. As a result of which his examination in chief was expunged and the Management declined to adduce any evidence. Thus, there is no material or credible evidence except pleadings of the disputant workman to hold that the disputant was ever appointed/engaged by the Management-Bank in its branch at Similiguda and he worked there from Aug. 2001 to May, 2008 and the relationship of “employer and employee” was existing between the parties. Law is well settled that initial burden lies on the disputant workman to prove his relationship with the Management and the fact that he worked for more than 240 days continuously and uninterruptedly under the control and supervision of the Management-Bank in order to succeed his claim that his termination/retrenchment/removal/discontinuation/refusal was in violation of Section 25-F of the Act. Such

material/evidence lacking on the part of the disputant workman this, Tribunal has no alternative than to reject the claim of the disputant workman.

6. Accordingly the reference is answered.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1655.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय सं. 3, पुणे (महाराष्ट्र) के पंचाट (संदर्भ सं. 497/2000) को प्रकाशित करती है जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-12011/149/2000-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th July, 2017

S.O. 1655.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 497/2000) of the Labour Court No.3, Pune (Maharashtra) as shown in the Annexure, in the Industrial Dispute between the management of Bank of Maharashtra and their workmen, received by the Central Government on 06.07.2017.

[No. L-12011/149/2000-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, 3RD LABOUR COURT, AT PUNE

(Presided over by Madhura A. Mulik)

Ref (I.D.A.) No. 497/2000

Exh.125

Bank of Maharashtra,

General Manager (Personnel),
Bank of Maharashtra,
Central Office, 1501, Lokmangal,
Shivaji Nagar, Pune 411 005

...First party

And

Bank of Maharashtra Karmachari Sena,

The General Secretary, B.O.M.K.S.,
9, Anant Laxmi, Ideal Colony, Kothrud,
Pune 411 029

...Second Party

CLAIM :-

Reinstatement with continuity of service and with full back wages together with all consequential benefits.

Advocate for first party : Shri. Amar Raut

Advocate for second party : Shri. N. A. Kulkarni

AWARD

(Delivered on 16th day of March, 2017)

1) This reference is sent by Government of India / Bharat Sarkar, Ministry of Labour / Shram Mantralaya, under Secretary, New Delhi to this court for adjudicating the point - "whether the action of retrenchment of Bank of Maharashtra in awarding the punishment of compulsory retirement upon Shri. Prakash Dattaram Mahadik, sub-staff w.e.f. 12/07/1999 is illegal and justified ? If not, what relief the said workman is entitled to ?" On behalf of the workman Shri. Prakash Dattaram Mahadik, (hereinafter mentioned as second party employee for brevity) Bank of

Maharashtra Karmachari Sena was appeared in this reference and filed statement of claim for Shri. Prakash Dattaram Mahadik.

2) Brief facts of the case :-

The second party employee was appointed on 21/02/1983 as a "sub-staff" and he has rendered the continuous service from 1983 till 12/07/1999. It is further contended that on 19/02/1998 the second party employee was issued with charge-sheet contending that when he was working on 26/02/1997 at Bank of Maharashtra, Bajirao Road, Pune Branch on the Currency Chest. On 26/02/1997 the second party employee has deliberately misplaced and took one round of Rs.50/- comprising of Rs.50,000/-. Thereafter, it was alleged that Rs.50,000/- were found short on the said date i.e. on 26/02/1997. The said amount was utilised by the second party employee by depositing in the Saving Bank Account No.1629 on 26/03/1997 in Ratnagiri Zilha Madhyavarti Sahakari Bank Limited, Branch Savdav. He has also deposited Rs.7,000/- in the Gold Loan Account of his mother and also deposited Rs.7,150/- in the Saving Bank Account No.1629 in the same Bank. On 27/03/1997 he has also kept a fixed deposit of Rs.25,000/- as well as he has also deposited Rs.4,500/- in his Saving Account. It is further alleged that he has committed a misconduct of misappropriation of the amount of the Bank.

3) It is contended by the second party employee that to the charge-sheet dated 19/02/1998 the second party employee has filed his reply. In his reply it was explained that there was an effort going by in the Management of the Bank to make a scape goat to the second party employee. In order to discharge his liability as an elder brother, the amounts were deposited in the various Banks by making an arrangement for his sisters marriage. It was denied by him that the said amounts deposited in the Bank have connection with the amount lost from the Bank. The bare reading of the charge-sheet and his reply to charge-sheet it reveals that the Bank has not come out with a case that, since the second party employee has confessed in the police station that, he has deposited the amounts in the Bank out of the round, which was lost in the Bank and therefore he was committed misconduct. After the explanation to the charge-sheet an enquiry officer conducted an enquiry.

4) It is further contended that the enquiry conducted against the second party employee is absolutely illegal, totally unfair and against the principles of natural justice. The second party employee was not given any opportunity to defend his case properly in the enquiry. The enquiry officer has submitted his report on 27/01/1999. It is further contended by the second party employee that the very base of the findings of the enquiry officer is against the charge-sheet itself. The allegations levelled against the second party employee are on the basis of the confession given by the second party employee on 18/12/1997 in the police station. The report of confession dated 18/12/1997 which is filed in the enquiry proceedings is obtained by the Bank in the police station. The enquiry officer also admits that the said report is given by using third degree method by the police authority. The enquiry officer proceeded on the presumption even assuming that the police have obtained the said confession by using the third degree method then also the truth has been brought forward by the said confession. The findings of the enquiry officer as to whether the said confession is obtained by the police by using third degree method or not, the findings of the enquiry officer are self contradictory.

5) It is further submitted by the second party employee that the conclusion drawn by the enquiry officer that whatever the transaction which are mentioned in the charge-sheet made in the Bank, were made in the currency note of Rs.50/- and therefore the second party has taken the round of Rs.50/- and the transaction in the currency note of Rs.50/- shows totally figment of the imagination of the enquiry officer. Therefore, it is for the Bank to prove that, the round of Rs.50/-, the notes the second party employee has deposited was the same, which were taken from the Bank. Therefore, the findings of the enquiry officer are without any evidence and shows total perversity of mind on the part of the enquiry officer.

6) It is further contended by the second party employee that the Bank was aware about the fact that, the Bank cannot prove the misconduct mentioned in the charge-sheet independently by leading evidence, when the burden was upon the Bank to prove the allegations mentioned in the charge-sheet. The enquiry officer being part and parcel of the Bank, he was also aware about the fact that, the Bank is also not at all able to prove the misconduct independently. Therefore, the enquiry officer should not have shifted the burden of proof upon the second party employee and discarded the evidence of the second party employee and submits his findings. It was not for the second party employee to prove his case but for the Bank to prove their case. The second party employee submitted that though the transaction have been made in the currency of Rs.50/- it cannot be said that, the transaction were made out of the money which is found the round of Rs.50/- which was misplaced in the Bank.

7) It is further contended by the second party employee that the amount of Rs.50,000/- was deducted from the full and final settlement of the second party employee. Therefore, the monetary loss is not caused to the Bank and therefore the punishment of dismissal which was awarded on the basis of false evidence required to be interfered and the punishment of dismissal may kindly be quashed and set-aside. It is prayed by the second party employee that to direct the first party Bank to quash and set-aside the dismissal order dated 12/07/1999 issued to the second party employee. It

is also prayed that to direct the first party to reinstate the second party employee immediately at his original post with continuity of service and with full back wages together with all other consequential benefits.

8) The first party Bank filed its written statement at Exh.13 and submitted that the P. D. Mahadik was working as a sub-staff (Peon) during the period 1997-1999 at Currency Chest (Cash Department) attached to Bajirao Road, Pune Branch of Bank of Maharashtra. Shri. Mahadik was issued a charge-sheet dated 19/02/1998 for his acts of misconduct involving moral turpitude pertaining to intentionally and unauthorisedly taking out cash of Rs.50,000/- (Rs. Fifty Thousand Only) on 26/02/1999 while working in the Currency Chest. His act of suppressing the facts from the officials of the Bank and causing willful damages to the property of the Bank was gross misconduct as per the provisions of Bipartite Settlements applicable to the Bank Employee's. As per the provisions of Bipartite Settlements, a charge-sheet was issued and the various imputation of charges were levelled against Shri. Mahadik. A regular departmental enquiry was conducted against Shri. Mahadik by following due provisions of the Bipartite Settlements applicable to the Bank employee's. He was allowed to be represented by the defence representative of his choice to defend his case before the enquiry officer. He was given every opportunity to defend his case and the principles of natural justice were duly observed during the course of enquiry. On hearing both the sides the enquiry officer submitted his findings to the disciplinary authority.

9) Since all the charges levelled against Shri. Mahadik were proved during the enquiry, the disciplinary authority by his order dated 12/07/1999 awarded the punishment of "discharge from services of the Bank". Shri. Mahadik preferred an appeal against the order of the disciplinary authority to the appellate authority. During the course of proceeding before the appellate authority, the personal hearing was granted to Shri. Mahadik and once again he was given every opportunity along with his defence representative to defend his case. The principles of natural justice were duly observed by the appellate authority. His appeal was devoid of any merits and therefore by an order dated 27/11/1999 the appellate authority, confirmed the punishment awarded by the disciplinary authority to Shri. Mahadik. Since the charges levelled against Shri. Mahadik pertains to the loss of cash of Rs.50,000/- by physical removal out of the cash department, the punishment awarded to Shri. Mahadik is just and proper and as per the Bipartite Settlements provisions in case of acts of gross misconduct. The first party further denied all contentions of the second party employee in the statement of claim.

10) It is further submitted by the first party that the first party is a Nationalised Bank and is a trustee of public money. It is very much concern with its image in the public at large. It being a financial institution dealing with public money, the employee's working in the Bank must show high integrity and honesty while discharging the duties. An employee like Shri. Mahadik cannot be continued in the employment once the Bank has loss faith in him. Therefore Shri. Mahadik had committed an act of gross misconduct involving moral turpitude. This action of misappropriation of Bank's money on the part of Shri. Mahadik is directly involved in moral turpitude. His offence shows element of depriving and weakness of his character. Since the charges levelled against Shri. Mahadik were proved beyond doubt in the independent and impartial enquiry, the Bank cannot continued services of Shri. Mahadik. The punishment awarded to Shri. Mahadik is just, proper and legal also. As such the provisions of Section 11 A of I. D. Act, 1948 need not be invoke in the instant case.

11) On the basis of rival pleadings of the parties my learned predecessor has framed issues at Exh.17 which are reproduced below. Issues No.1 and 2 was treated as preliminary issues and Award 1 i.e. order on preliminary issues was delivered on 05/03/2009. I have recorded the findings on issues No.3 to 6 for the reason stated as follows :

	ISSUES	FINDINGS
1)	Whether the enquiry conducted by the first party is illegal, unfair and improper ?	Already decided.
2)	Whether the evidence before the enquiry officer was insufficient to prove the misconduct ?	Already decided.
3)	Whether the evidence before the Court is sufficient to prove the misconduct? If yes, whether the punishment is shockingly disproportionate to the misconduct ?	No.
4)	Whether the first party has illegally terminated the services of the second party employee as alleged ?	Yes.
5)	Whether the second party employee is entitled to the reliefs claimed for ?	Yes. Compensation of Rs.10,00,000/-
6)	What Award ?	As per final Award.

REASONS**12) AS TO ISSUE NO.3 :-**

The issues No.1 and 2 are already decided on 05/03/2009 and by this order it was held and declared that the enquiry is illegal, unfair and improper and hence stands vitiated. Therefore, now the burden lies on the first party to prove the misconduct of Shri. Mahadik before the court. To prove its respective contentions first party has examined witnesses namely Shri. Pandhari Chandankhede at Exh.68, Shri. Bhaskar Mahajan at Exh.79, Shri. Manohar Kulkarni at Exh.81, Shri. Murthy at Exh.88, Mrs. Nandini S. Jain at Exh.97. The first party also relied upon the confession letter of second party employee dated 18/12/1997 is at Exh.69. The another confession letter dated 18/12/1997 written by the second party employee to the Bank is at Exh.104.

13) The second party employee examined himself at Exh.103. The second party employee also relied upon the letter issued by first party to Shri. Mahadik dated 01/03/1997 after Rs.50,000/- was found short on 26/02/1997 is at Exh.71. The letter by Shri. Mahadik sent to the Shri. Bahulekar, Checking Officer, Currency Chest, Bajirao Road, Pune, Bank of Maharashtra dated 04/03/1997 is at Exh.72. Shri. Mahadik's reply to the charge-sheet dated 19/02/1998 is at Exh.73.

14) First witness for first party is Shri. Pandhari Chandankhede for the first party deposed that he was in service with Bank of Maharashtra from 16/08/1976 and retired on 30/06/2011. While in service he worked at various places and in various capacities. He has personal knowledge of the incidence of the cash shortage of Rs.50,000/- at Currency Chest attached to Bajirao Road Branch that took place on 26/02/1997. It is further deposed by him that during the period September, 1995 to August, 1999 he was working as a Senior Manager in Bajirao Road Branch of the Bank. He was in-charge at Currency Chest at Bajirao Road Branch Pune. Shri. Mahadik was working as a sub-staff (peon) at Currency Chest (cash department) attached to Bajirao Road, Branch of the Bank during the period 1997-1999. On 26/02/1997 the shortage in cash of Rs.50,000/- was noticed and was informed to the Regional Office, Pune. The Regional Office, Pune therefore instructed the Chief Manager, Bajirao Road Branch to investigate into the matter. It is further deposed that some time in December, 1997, he received an information that Shri. P. D. Mahadik had confessed having committed the act of unauthorisedly taking away bundle of cash of Rs.50,000/- (No. Notes Rs.50X100X10) while working in the Currency Chest before the police authorities. Shri. Mahadik was issued a charge-sheet on 19/02/1998 for his acts of misconduct involving moral turpitude pertaining to intentionally and unauthorisedly taking out cash of Rs.50,000/- on 26/02/1997.

15) As per the provisions of Bipartite Settlements a charge-sheet was issued and regular departmental enquiry was conducted against Shri. Mahadik. Further he deposed about the enquiry procedure and findings of the enquiry officer.

16) The another witnesses Shri. Bhaskar Mahajan and Shri. Manohar Kulkarni examined themselves for first party at Exh.79 and at Exh.81 respectively, wherein they deposed same things as per the deposition of Shri. Pandhari Chandankhede at Exh.68.

17) The witness Shri. Pandhari Chandankhede during his cross-examination narrated that the second party employee Shri. Mahadik was collecting cash alongwith cashier and put it in box and afterwards he used to give it to Currency Chest of first party. Each box of currency in which currency was kept used to be locked. The key of lock used to be kept with cashier. On 26/02/1997 there were four persons working in Van No.2 of first party. He do not remember who were those persons. The cashier of Currency Chest is deferred. The cashier of the Van was required to put cash on table in Currency Chest department with help of cash peon. On 26/02/1997 he was incharge of Currency Chest and Shri. M. B. Kulkarni was Manager of the Currency Chest. On that day cash box was open by cashier and put it on table of Currency Chest and it was counted by three persons i.e. cashier, manager and senior manager. During his cross-examination he admitted that there was no shortage of cash on 24/02/1997 and 25/02/1997. On 26/02/1997 he came to know at about 04:30 P.M. that there was shortage of Rs.50,000/-.

18) Witness Shri. Bhaskar Mahajan during his cross-examination admitted that Shri. Pandhari Chandankhede was his immediate boss and in the enquiry proceeding of Shri. Mahadik he was not witness. He further admitted that as the enquiry officer hold Shri. Mahadik guilty, he is saying that Shri. Mahadik is guilty. Here it is pertinent to note that during his cross-examination he admitted that he has no personal knowledge of the incident dated 26/02/1997.

19) The another witness Shri. Manohar Kulkarni during his cross-examination admitted that except alleged confession letter Exh.69 there is no other documentary evidence to show that the second party employee i.e. Shri. Mahadik had allegedly stolen Rs.50,000/-. He further admitted that no offence was registered against second party employee i.e. Shri. Mahadik after his alleged confession letter Exh.69. After giving letter Exh.69 before police authority, first party served charge-sheet on the second party.

20) The evidence of the witness Shri. Murthy is at Exh.88.

21) The first party has examined another witness Mrs. Nandini S. Jain at Exh.97. Wherein she deposed that she was working as a personal officer in first party from 26/03/1985 to 31/05/2012. She know Shri. Prakash Mahadik who was

working as a sub-staff at Currency Chest, Bajirao Road, Pune. On 18/12/1997 she was on duty and on that day Shri. Kothare and herself were called to Mandai Police Chowki. Shri. Mahajan and Shri. Prakash Mahadik were already present there. She further deposed that Shri. Prakash Mahadik had voluntarily admitted that he had taken Rs.50,000/- to his home and he is ready to give the admission in writing. Thereafter, Shri. Mahadik had written his admission on his own hand writing sitting in the bench outside the police chowki at around 05:30 P.M. He has written letter sitting outside police chowki without any force, coercion or duress. The said letter was handed over to Shri. Mahajan and a copy was given to the police officer for their record. This incident took place at around 05:30 P.M. at Mandai Police Chowki in presence of all of them. Thereafter, she had gone alongwith Shri. Mahajan and Shri. Prakash Mahadik to Bajirao Road Branch, Pune. Shri. Mahajan had to go out for some urgent work and remaining all were waiting for him in his cabin. During the said period Shri. Mahadik voluntarily said he will give in writing his admission to the Branch Manager as he wanted to come out of his guilt. Hence, Shri. Mahadik asked for a paper and started writing his admission in his own hand writing and signed the same in front of her and handed over the letter to her and the original was carried by her for safe custody in Zonal Office. She further deposed that in last month she happened to meet Shri. Sandeep Shetty, Personal Officer, Pune City Zone of the first party and enquired about his work in the zone and about pending cases in Labour Court. During the conversation Shri. Shetty told her about the matter of Shri. P. D. Mahadik and during the discussion she recollected the admission made by Shri. Mahadik about his guilt and same being submitted at Polile Chowki and another letter addressed to Branch Manager, Bajirao Road, Pune. It is further deposed that Shri. Shetty had called her in the last week and informed to come and confirm the letter dated 18/12/1997 given by Shri. P. D. Mahadik. She had gone to the Zonal Office and on verifying the same recollected the letter which was given by Shri. Mahadik on 18/12/1997 at 06:00 P.M. at Bajirao Road Branch.

22) In her cross-examination she admitted that she is not aware whether the first party has filed any police complaint against Shri. Mahadik about alleged incident. When Shri. Mahajan called at Mandai Police Station she had not asked him as to why her presence was required there. She did not recollect as to who were police inspector, constable at Mandai Police Chowki. She further admitted that Shri. Mahadik had given two statements, one in front of police and another at Bajirao Road Branch. Further she denied all the suggestions given by the second party employee.

23) The second party employee Shri. Prakash Mahadik got examined himself at Exh.103 wherein he narrated same facts as per his statement of claim. During his cross-examination document filed by the first party below list Exh.99 was shown to him. It is a letter dated 18/12/1997 given Exh.104. During his cross-examination he admitted show cause Notice dated 21/01/1998 which is at Exh.105. The show-cause Notice dated 15/01/1998 is at Exh.106, charge-sheet dated 19/02/1998 is at Exh.107, reply to charge-sheet dated 24/03/1998 is at Exh.111. He also admitted the enquiry proceeding and documents filed during the enquiry. Thereafter, he was cross-examined on the point of the union and authorities of the union. During his cross-examination he admitted that application Exh.69 was written by him and it bears his signature. Said application was forcefully written by police and for that he has not filed any complaint before any court. Further he denied the suggestions as to taking unauthorisedly Rs.50,000/- and the said amount was deposited in the Ratnagiri Co-operative Bank. Further he denied that said amount is used by him for his sister's marriage.

24) Considering the aforesaid facts it is evident that the first party is only relied upon the confession letter given by Shri. Mahadik before the police which is at Exh.69 and the another confession letter given by Shri. Mahadik to the Bank which is at Exh.104. From these both documents it is seen that the contents of both the documents are same. The date is also same. In these both confession letter the second party employee Shri. Prakash Mahadik stated that in February, 1997 he was working on Cash Van-2. On 26/02/1997 he was with cashier Shri. Kadam and with armed guard Shri. Sawant. On that day he did his work at local area i.e. at Model Colony, Mayur Colony and N.I.B.M. After their work they all written at 04:30 P.M. to 05:00 P.M. Before two days he found one round of Rs.50/- below wooden cupboard and he carry out the said round of Rs.50/- with him on 26/02/1997 and afterwards he used the amount for his sister's marriage. He confessed that wrong was done by him. He wrote the letter voluntarily and made his apology for the said incidence. From both of these confession letter it is revealed that the round of Rs.50/- was below wooden cupboard prior to the two days of the 26/02/1997. It is also evident from the cross-examination of the witness No.1 Shri. Pandhari Chandankhede that there was no shortage of cash on 24/02/1997 and 25/02/1997. Therefore, the contents of the confession letter seems baseless that prior to 26/02/1997 the round of Rs.50/- was laying below the wooden cupboard. There was no shortage of cash on 24/02/1997 and 25/02/1997. If as per the confession letter Exh.69 and Exh.104 the round of Rs.50,000/- was lying below wooden cupboard prior to two days of 26/02/1997, there might be shortage of cash on 24/02/1997 and 25/02/1997. It is also evident from the evidence of the witnesses of the first party that no police complaint was lodged regarding shortage of amount of Rs.50,000/- against the second party employee i.e. Shri. Mahadik.

25) The first party is being a financial institution dealing with public money. As per the first party employees working in the Bank must show high integrity and honesty while discharging the duties. Surprisingly, as substantial amount is misappropriated by the employee then why the first party not lodged police complaint against its employee. As per the first party the confession letter Exh.69 was made before the police then some action must be taken against the second party employee i.e. Shri. Mahadik by the police.

26) It is also revealed from the record that during cross-examination the witness of first party Shri. Pandhari Chandankhede stated that on 26/02/1997 a police complaint was not filed by him and any officer about shortage of Rs.50,000/-. He made entry in account of payment on behalf of Branch about shortage of Rs.50,000/- as per instructions of Branch Manager of concerned Branch. That amount was deposited in P.O.P. Account. The cash amount of Rs.50,000/- was not actually deposited in Bajirao Road Branch. Afterwards, first party gave letter to him and Shri. M. B. Kulkarni to deposit said amount. Accordingly, both of them deposited Rs.25,000/- each regarding shortage of cash with first party. The amount of Rs.50,000/- was not deposited prior to 31/03/1997.

27) It is also evident from the evidence that first party has recovered amount of Rs.50,000/- from gratuity amount and leave encashment of the second party employee. The document Exh.71 shows that after the incidence dated 26/02/1997 the letter dated 01/03/1997 was send to second party employee i.e. Shri. Mahadik requesting their cooperation in regard with the said incidence. Exh.72 is reply to letter dated 01/03/1997 by the second party employee Shri. Mahadik wherein he narrated schedule of his work on 26/02/1997. At the bottom of this letter he further stated that if first party requires extra information from him, he was ready to provide the same. These two documents supports the case of the second party employee Shri. Mahadik. After the said incident he was ready to help the Bank.

28) Here it is also pertinent to note that the alleged incidence happened on 26/02/1997 and after ten months i.e. on 18/12/1997 the confession letter is given by the second party employee. As it is made before the police it is probable to made this statement under pressure. The first party only relied upon these two confession letters dated 18/12/1997 there is no other corroborative evidence in support of this confession to prove the case of the first party. The first party has not filed any other document to show that second party employee was guilty of misconduct. On the other hand the witness No.2 of the first party Shri. Bhaskar Mahajan in his cross-examination admitted that he has no personal knowledge about the incident. Thereafter, witness No.3 Shri. Manohar Kulkarni admitted that except Exh.69, there is no other documentary evidence to show that the second party had allegedly stolen Rs.50,000/-. The witness Mrs. Nandini S. Jain is came in picture at belated stage and narrated new story regarding the confession letter Exh.104. From her evidence it is seen that she is interested witness. Her evidence is not trustworthy as first party came with new confession letter Exh.104 at belated stage.

29) As per witness No.1 Shri. Chandankhede, he had personal knowledge about the said incident. Now, at this stage it is surprising that how he was unaware about the confession letter at Exh.104. As per the evidence of Mrs. Nandini S. Jain on 18/12/1997 Shri. Kothare and herself were called to Mandai Police Chowki. Second party employee and Shri. Mahajan were already present there. If Shri. Mahajan was present there and he was eye witness of incident then why Mr. Mahajan in his deposition not mentioned name of Mrs. Nandini S. Jain. At the same time Mrs. Nandini S. Jain deposed about the absence of Mr. Mahajan at the time of writing confession letter Exh.104 by the second party employee at there office at Tilak Road. It seems that the deposition of Mrs. Nandini S. Jain is made afterthought.

30) From the aforesaid discussion it appears that the first party failed to establish the misconduct of the second party workman Shri. Mahadik before the court. There is no sufficient evidence before this court to held Shri. Mahadik guilty for misconduct. Therefore, the punishment of compulsory retirement given to the second party workman Shri. Mahadik is shockingly disproportionate. Therefore, I answer issue No.3 in negative.

AS TO ISSUES NO. 4, 5 & 6 :-

31) As the issue No.3 is answered in negative first party has failed to establish misconduct of the second party workman Shri. Mahadik before the court. Therefore, it is clear that the first party has illegally terminated the services of the second party workman. It is also necessary to consider that the second party had worked for 16 years with the first party in years between 1983 till 12/07/1999. The second party workman has raised industrial dispute immediately thereafter in the year 2000. This reference was made in the year 2000. Which now going to ultimately concluded in the impugned award in this year. It is also admitted position that the date on which second party was terminated he was working as a peon. The parties are being involved in the litigation for almost 17 years. Wherein allegations made surely led to the mistrust between them. The business of the first party was based on the trust and the confidence of its employees. The second party employee is illegally terminated from the services by first party on 12/07/1999. Now, at this stage considering the period of second party employees unemployment due to illegal termination i.e. since 12/07/1999 to 2017 in my opinion that so far as reinstatement with full back wages and continuity of service is related, there is need to grant lumpsum compensation to the second party. As per contentions of the second party employee he tried at various places for the job, but he failed in it. It is also clear that first party is failed to establish that the second party is in gainful employment. Considering the facts that the second party employee is out of services for the period of about more than 16 years. In entire proceeding the salary of the second party employee is not reflected in it. Considering the year 1999 there might be salary for any peon was near about Rs.1,000/- for the month but day to day it is increasing. If the relief of reinstatement with full back wages is granted to the second party employee the calculation can go beyond Rs.10,00,000/-. But, the salary of the second party is not revealed in present matter. Therefore, the compensation which I feel proper would be an amount of Rs.10,00,000/- (Ten Lakhs Rupees Only) to be paid by the

first party to the second party workman. Therefore, I answer issue No.4 in affirmative and issue No.5 accordingly and to answer issue No.6, I am going to pass following order.

ORDER

1. The reference is answered in affirmative.
2. The first party shall pay to the second party employee amount of Rs.10,00,000/- (Ten Lakhs Rupees Only) within 3 months from the publication of the award, failing which interest @ 9% per annum would accrue on the amount.
3. No order as to cost.

Pune

Date :- 16/03/2017

MADHURA A. MULIK, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1656.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 148/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-41011/50/2013-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1656.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 148/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.07.2017.

[No. L-41011/50/2013-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 08th April, 2017

Reference : (CGITA) No. 148/2013

1. The Chief Project Manager,
Western Railway,
2nd Floor, BG Station Building, Kalupur,
Ahmedabad (Gujarat)
2. The Divisional Railway Manager,
North Western Railway,
Jaipur (Rajasthan)
3. The Dy. Chief Engineer (Civil – II),
Western Railway, Nr. DRM Office,
Ajmer

4. The Chief Project Manager,
North Western Railway,
O/o Chief Admn. Office (C), 5th Floor, Malviyanagar,
GM Building Jawahar Circle,
Jaipur (Rajasthan)

...First Party

V/s

The President,
Paschim Railway Karmachari Parishad,
B/28, Narayan Park,
Behind Chandkheda Railway Station, Sabarmati,
Ahmedabad (Gujarat)

...Second Party

For the First Party :

For the Second Party : Shri R.S. Sisodia (Union Representative)

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/50/2013-IR(B-I) dated 01.08.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the President, Paschim Railway Karmachari Parishad, Ahmedabad against (1) Chief Project Manager, W.R., Ahmedabad (2) Chief Project Manager, N.W.R., Jaipur (3) D.R.M., W.R., Jaipur and others to found out the service book of Shri Gangachalam P. Gangman and fixed salary as per rules and disbursement of arrears of salary and other benefits to Shri Gangachalam P. is legal, fair and justified? If so, then what relief the above workman, Shri Gangachalam P. is entitled to?”

1. The reference dates back to 01.08.2013. Despite service on all the parties, neither of the parties submitted their statement of claim or written statement as the case may be. Today on 08.04.2017 in the Mega LokAdalat, Shri R.S. Sisodia on behalf of the President, Paschim Railway Karmachari Parishad expressed unwillingness to prosecute the reference.

2. Therefore, the reference is disposed of as not pressed.

PRAMOD KUMAR CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1657.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 135/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-41011/56/2012-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1657.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 135/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.07.2017.

[No. L-41011/56/2012-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 08th April, 2017

Reference : (CGITA) No. 135/2012

1. The Divisional Railway Manager,
Western Railway,
Pratapnagar,
Baroda (Gujarat) – 390004
2. The Asstt. Divisional Engineer,
Western Railway,
Nadiad (Gujarat)

...First Party

V/s

The Divisional Secretary,
Paschim Railway Karmachari Parishad,
Shastri Pole, Kothi,
Baroda (Gujarat) – 390001

...Second Party

For the First Party :

For the Second Party : (Shri R.S. Sisodia, Union Representative)

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/56/2012-IR(B-I) dated 10.09.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Western Railway, Nadiad in not taking Shri Prabhat Amar, Khalasi on duty is legal and justified? To what relief the concerned workman is entitled?”

1. The reference dates back to 10.09.2012. Despite service on all the parties, neither of the parties submitted their statement of claim or written statement as the case may be. Today on 08.04.2017 in the Mega LokAdalat, Shri R.S. Sisodia on behalf of the Divisional Secretary, Paschim Railway Karmachari Parishad expressed unwillingness to prosecute the reference.
2. Therefore, the reference is disposed of as not pressed.

PRAMOD KUMAR CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1658.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 134/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-41011/55/2012-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1658.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 134/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.07.2017.

[No. L-41011/55/2012-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 08th April, 2017

Reference : (CGITA) No. 134/2012

1. The Divisional Railway Manager,
Western Railway,
Pratapnagar,
Baroda (Gujarat) – 390004
2. The Sr. Divisional Electrical Engineer (TRD),
Western Railway, Pratapnagar,
Baroda (Gujarat)
3. The Sr. Section Engineer (W & S),
Western Railway, Vishwamitri,
Vadodara (Gujarat)

...First Party

V/s

The Divisional Secretary,
Paschim Railway Karmachari Parishad,
Shastri Pole, Kothi,
Baroda (Gujarat) – 390001

...Second Party

For the First Party : Shri N.J. Acharya

For the Second Party : Shri R.S. Sisodia, (Union Representative)

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/55/2012-IR(B-I) dated 10.09.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Western Railway, Baroda in not giving promotion to Shri Fatesingh Somabhai Chauhan and promoting his juniors is legal and justified? To what relief the concerned workman is entitled?”

1. The reference dates back to 10.09.2012. Despite service on all the parties, neither of the parties submitted their statement of claim or written statement as the case may be. It is noteworthy that the first party submitted the vakalatpatra Ex. 5 of his advocate Shri N.J. Acharya on 27.08.2013. Today on 08.04.2017 in the Mega Lok Adalat, Shri R.S. Sisodia on behalf of the Divisional Secretary, Paschim Railway Karmachari Parishad expressed unwillingness to prosecute the reference.
2. Therefore, the reference is disposed of as not pressed.

PRAMOD KUMAR CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1659.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 132/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-41011/62/2012-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1659.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 132/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.07.2017.

[No. L-41011/62/2012-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 08th April, 2017

Reference : (CGITA) No. 132/2012

1. The Sr. Divisional Mechanical Engineer,
Western Railway,
Pratap Nagar, Baroda
2. The Sr. Divisional Electrical Engineer (TRO),
Western Railway,
Pratap Nagar, Baroda
3. The Sr. Divisional Safety Officer,
Western Railway,
Pratap Nagar, Baroda

...First Party

V/s

The Divisional Secretary,
Paschim Railway Karmachari Parishad,
Shastri Pole, Kothi,
Baroda (Gujarat) – 390001

...Second Party

For the First Party :

For the Second Party : (Shri R.S. Sisodia, Union Representative)

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/62/2012-IR(B-I) dated 10.09.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Western Railway in making the Electric Loco fitter Khalasis working in TI Shed, Baroda to execute the works which do not pertain to their category is legal and justified? To what relief the union is entitled?”

1. The reference dates back to 10.09.2012. Despite service on all the parties, neither of the parties submitted their statement of claim or written statement as the case may be. Today on 08.04.2017 in the Mega LokAdalat, Shri R.S. Sisodia on behalf of the Divisional Secretary, Paschim Railway Karmachari Parishad expressed unwillingness to prosecute the reference.
2. Therefore, the reference is disposed of as not pressed.

PRAMOD KUMAR CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1660.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 100/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-41011/01/2013-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1660.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.07.2017.

[No. L-41011/01/2013-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 08th April, 2017

Reference : (CGITA) No. 100/2013

The Divisional Railway Manager (E),
Western Railway, Divisional Office,
Ahmedabad (Gujarat)

...First Party

V/s

The President,
Paschim Railway Karmachari Parishad,
28/B, Narayan Park, Behind Chandkheda Railway Station,
Sabarmati,
Ahmedabad (Gujarat)

...Second Party

For the First Party :

For the Second Party : Shri R.S. Sisodia (Union Representative)

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/01/2013-IR(B-I) dated 15.05.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the union claiming employment for Shri MohsinDodiya on the basis of sports quota as per result is justified? If yes, what relief the applicant, Shri MohsinDodiya is entitled to?”

1. The reference dates back to 15.05.2013. Despite service on all the parties, neither of the parties submitted their statement of claim or written statement as the case may be. Today on 08.04.2017 in the Mega LokAdalat, Shri R.S. Sisodia on behalf of the President, Paschim Railway KarmachariParishad expressed unwillingness to prosecute the reference.
2. Therefore, the reference is disposed of as not pressed.

PRAMOD KUMAR CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1661.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 66/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-41011/11/2012-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1661.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 66/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.07.2017.

[No. L-41011/11/2012-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 08th April, 2017

Reference : (CGITA) No. 66/2012

1. The Divisional Railway Manager (Estt.),
Western Railway,
Pratap Nagar, Baroda
2. The General Manager,
Western Railway, Churchgate,
Mumbai
3. The Sr. Divisional Engineer (HQ),
Western Railway,
Pratap Nagar, Baroda

...First Party

V/s

The Divisional Secretary,
Paschim Railway Karmachari Parishad,
Shastri Pole, Nr. Kothi,
Baroda (Gujarat) – 390001

...Second Party

For the First Party :

For the Second Party : Shri R.S. Sisodia (Union Representative)

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/11/2012-IR(B-I) dated 22.03.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the union, Paschim Railway Karmachari Parishad for allotment of space for offices at Pratapnagar and Baroda Railway Station is legal and justified? To what relief the concerned union is entitled?”

1. The reference dates back to 22.03.2012. Despite service on all the parties, neither of the parties submitted their statement of claim or written statement as the case may be. Today on 08.04.2017 in the Mega LokAdalat, Shri R.S. Sisodia on behalf of the Divisional Secretary, Paschim Railway Karmachari Parishad expressed unwillingness to prosecute the reference.

2. Therefore, the reference is disposed of as not pressed.

PRAMOD KUMAR CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1662.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 61/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-41011/29/2011-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1662.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 61/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.07.2017.

[No. L-41011/29/2011-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 08th April, 2017

Reference : (CGITA) No. 61/2011

1. The General Manager,
Western Railway,
Churchgate,
Mumbai – 20
2. The Divisional Railway Manager,
Division Office, Bhavnagar Division,
Bhavnagar Para,
Bhavnagar (Gujarat)

...First Party

V/s

The President,
Paschim Railway Karmachari Parishad,
28/B, Narayan Park, Behind Chandkheda Railway Station,
Sabarmati,
Ahmedabad (Gujarat)

...Second Party

For the First Party :

For the Second Party : Shri R.S. Sisodia (Union Representative)

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/29/2011-IR(B-I) dated 28.07.2011 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Western Railway, Mumbai in not promoting the Sr. Khalasis/ Khalasis of Signal and Telecom Department to the post of TCM-III through LDCE to the extent of 20%, is legal and justified? To what relief the union is entitled?”

1. The reference dates back to 28.07.2011. Despite service on all the parties, neither of the parties submitted their statement of claim or written statement as the case may be. Today on 08.04.2017 in the Mega LokAdalat, Shri R.S. Sisodia on behalf of the President, Paschim Railway Karmachari Parishad expressed unwillingness to prosecute the reference.
2. Therefore, the reference is disposed of as not pressed.

PRAMOD KUMAR CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1663.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 29/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-41011/121/2010-आईआर (बो-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1663.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 29/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.07.2017.

[No. L-41011/121/2010-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 08th April, 2017

Reference : (CGITA) No. 29/2012

1. The Sr. Divisional Engineer (HQ),
Western Railway, Bhavnagar Para,
Bhavnagar (Gujarat)
2. The Divisional Railway Manager,
Western Railway, Bhavnagar Para,
Bhavnagar (Gujarat)

...First Party

V/s

The President,
Paschim Railway Karmachari Parishad,
28/B, Narayan Park,
Behind Chandkheda Railway Station,
Sabarmati,
Ahmedabad (Gujarat)

...Second Party

For the First Party : Shri H.B. Shah

For the Second Party : Shri R.S. Sisodia (Union Representative)

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/121/2010-IR(B-I) dated 27.12.2011 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the union, Paschim Railway Karmachari Parishad, for not adopting unfair labour practices against Shri Vijay Kanushai Solanki, Trolleyman and taking action against Shri Ashutosh Mathure, Sr. Dir. Engineer, Bhavnagar Para, Under Section 25-4 of I.D. Act, 1947 is legal and justified? To what relief the union/workman is entitled?”

1. The reference dates back to 27.12.2011. Despite service on all the parties, neither of the parties submitted their statement of claim or written statement as the case may be. It is noteworthy that the first party has not only been served but also submitted the vakalatpatra Ex. 5 of his advocate on 19.04.2012. Today on 08.04.2017 in the Mega Lok Adalat, Shri R.S. Sisodia on behalf of the President, Paschim Railway Karmachari Parishad expressed unwillingness to prosecute the reference.
2. Therefore, the reference is disposed of as not pressed.

PRAMOD KUMAR CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1664.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 22/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 का प्राप्त हुआ था।

[सं. एल-41011/37/2009-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1664.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 22/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.07.2017.

[No. L-41011/37/2009-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 08th April, 2017

Reference : (CGITA) No. 22/2011

1. The General Manager,
Western Railway, Head Quarter
Churchgate,
Mumbai – 20
2. The Chief Engineer (TMC),
Western Railway, Head Quarter
Churchgate,
Mumbai – 20

...First Party

V/s

The President,
Paschim Railway Karmachari Parishad,
28/B, Narayan Park, Behind Chandkheda Railway Station,
Sabarmati,
Ahmedabad (Gujarat)

...Second Party

For the First Party :

For the Second Party : Shri R.S. Sisodia (Union Representative)

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/37/2009-IR(B-I) dated 18.03.2011 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of General Manager, Western Railway, Mumbai in placing the Khalashis working on temporary basis in Track Machines Organisation below the Khalashis recruited on later dates by RRB in the seniority list of Group – D staff, is legal and justified? To what relief the union/workman are entitled?”

1. The reference dates back to 18.03.2011. After service on all the parties, the second party submitted his statement of claim Ex. 3 but the first party did not submit the written statement. Today on 08.04.2017 in the Mega Lok Adalat, Shri R.S. Sisodia on behalf of the President, Paschim Railway Karmachari Parishad expressed unwillingness to prosecute the reference.
2. Therefore, the reference is disposed of as not pressed.

PRAMOD KUMAR CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1665.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम मध्य रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 91/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-41012/30/14-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1665.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 91/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of West Central Railway and their workmen, received by the Central Government on 06.07.2017.

[No. L-41012/30/14-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/91/2014**

Shri Vishnu Prasad Sharma,
S/o Shri Laxman Prasad Sharma,
R/o Near Diwanganj Railway Station,
Post Semra,
Distt. Raisen (MP)

...Workman

Versus

Divisional Railway Manager,
West Central Railway,
Habibganj, Bhopal (MP)

...Management

AWARDPassed on this 12th day of May 2017

1. As per letter dated 21-11-14 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-41012/30/14-IR(B-I). The dispute under reference relates to:

“Whether the action of the management of Divisional Railway Manager, West Central Railway, Bhopal in terminating the services of workman Shri Vishnu Prasad Sharma S/o Laxman Prasad Sharma w.e.f. 28-7-85 is justified? If not, what relief the workman is entitled to?”

2. After receiving reference, notices were issued to the parties. Ist party filed statement of claim. Case of Ist party workman is that he was initially appointed on post of waterman in April 1983 by Station Superintendent of WCL. He was appointed against vacant post on fixed monthly salary. In April 1983, he was continuously working as waterman till 28-7-85. Workman was illegally terminated on 20-7-85 by 2nd party. That he had worked continuously for 2 years and 3 months. He acquired status of permanent employee. He worked more than 240 days during each year. That at the time of his initial appointment, post of the category was lying vacant. He was appointed against vacant post. Before termination of his service on 28-7-85, no chargesheet was issued to him. Showcause notice was not issued, any enquiry was not conducted against him. Workman was not given opportunity of hearing. His services are terminated in violation of Section 25 of ID Act. Order of termination of his service is illegal. It is further intended that as per standing orders on completion of six months continuous service, employee is deemed to be permanent. The act of terminating service by 2nd party is by way of fixation in colourable exercise of powers. After termination of service, he is not gainfully employed. His family is facing starvation. On such ground, workman prays for his reinstatement with backwages.

3. 2nd party filed Written Statement opposing claim of workman. 2nd party submits that Ist party workman had submitted application/ form for regularization on 22-1-00 mentioning his date of birth 2-7-71 at time of his initial appointment. He has shown 89 working days in column 13 of the form. Workman had submitted certificate of working days issued by Station Superintendent, Dewanganj. In said certificate period of working was shown from 4-4-83 to 20-7-83- 108 days. Workman had submitted marksheet showing his date of birth was 2-7-71. At the time of screening and scrutiny of record, it was found that Ist party workman was below age of 18 years at the time of his initial engagement. No record is available in office of Station Master, Dewanganj as per order dated 20-5-15. The ground alleged in the statement of claim have been denied. Ist party workman was of 12 years of age at the time of his initial engagement. Therefore he could not be regularized.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Divisional Railway Manager, West Central Railway, Bhopal in terminating the services of workman Shri Vishnu Prasad Sharma S/o Laxman Prasad Sharma w.e.f. 28-7-85 is justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

REASONS

5. The term of reference pertains to legality of termination of services of Ist party workman on 20-7-85. Workman filed affidavit of his evidence. He has stated in his affidavit that he was working as waterman from April 1983 to 20-7-85. He worked more than 240 days in a year. His services were orally terminated without reasons. He had worked for 2 year 3 months. On 18-10-02, management of 2nd party had invited applications for appointment of waterman, gangman, sweeper worked before the prescribed date. He submitted documents alongwith his application. He was not appointed on the ground that he was underage, other persons Sunil, Damodar, Omprakash were appointed. That he is unemployed and facing starvation. From evidence of Ist party documents Exhibit W-1 to 3 are admitted in evidence. Workman in his cross says he failed 10th standard, he produced documents about his appointment at Exhibit M-1. He was paid under vouchers. He used to sign on it. On 20-10-02, he was called for screening as per letter Exhibit M-5. Other person Sunil, Damodar, Omprakash were appointed, the documents were also produced in that regard. He was unable to tell whether Sunil, Damodar, Omprakash were above 18 years of age that information was given that he was below 18 years. Workman denied that in 1983, his age was less than 12 years.

6. Management filed affidavit of evidence of Anil Kumar Sharma supporting contentions in Written Statement that workman had shown his date of birth 2-7-71 in his application. It was clear that his age was 12 years at the time of his initial engagement. In his cross, said management's witness says he could read Hindi and English. He had not seen any document about 108 working days of Ist party shown in his affidavit during 1983 to 20-7-85. Ist party was working as waterman. As per Exhibit M-5, workman had appeared for screening. Witness claims ignorance he has no personal knowledge. Management's witness claims ignorance whether the age of workman was 31 years when he was called for screening. He also claims ignorance that Sunil, Damodar and Omprakash were called for screening and they were appointed. Management's witness was unable to tell reasons why Ist party workman was not appointed. That record is destroyed after period of 4-5 years. Orders used to be issued by Sr.DOM in that regard. No document is produced on record about destruction of record. The term of reference pertains to legality of termination of services of workman on 28-7-85. However workman in his evidence has given evidence about his rejection to appoint on regular basis as per order dated 20-10-02 (M-5). The term of reference doesnot include claim for regularization of workman as per above said letter.

7. I may also deal with the documents produced by parties. Exhibit W-1 is application submitted by workman dated 7-6-04 representing that he had appeared for medical examination. Medical certificate be issued to him. Exhibit W-2 is letter dated 23-3-06 requesting management to issue medical certificate that other person Sunil Tiwari, Veena Damodar, Omprakash were appointed. Exhibit W-3 information received under RTI Act that at the time of screening on 14-11-02, date of birth of workman was found 2-7-71. Working days of Ist party during the period 4-4-83 to 28-7-83 were found 108 days. Workman was found underage.

8. Documents produced by management Exhibit M-1 is application submitted by Ist party workman on 22-1-2000. The date of birth of workman is shown 2-7-71. His working days were shown 89. Exhibit M-2 is certificate issued by Station Superintendent 108 working days are shown. Exhibit M-3 is copy of marksheet of workman, his date of birth is shown 2-7-71. In Exhibit M-4, SSC Certificate, same date of birth is shown. Exhibit M-5 is letter dated 28-10-02

inviting applications for regular appointments along with documents for regularization of casual labours etc. The term of reference pertains to termination of services of workman whereas the document produced in the matter pertains to denial of appointment to workman on the ground that he was underage at the time of his initial engagement. When term of reference is not including claim for regularization, parties have tried to make out new phase about denial of appointment of workman. Evidence adduced by parties relates to the dispute beyond the reference, it cannot be considered. The dispute is raised after about 29 years of the termination of service of Ist party workman not tenable for long lapse of time. So far claim for regularization made out in the evidence is beyond the terms of reference.

9. Learned counsel for Ist party Shri K.B.Singh relies on ratio held in case between-

Raj Kumar versus Director of Education and others reported in 2016(6)SCC-541. Ratio held in the case pertains to conditions for retrenchment under Section 25-F(c) are mandatory.

The ratio cannot be applied to case at hand as real dispute between parties is denial of appointment as per letter Exhibit M-5. As per documents produced, workman has not completed 240 days continuous service. He is not entitled to protection under Section 25-F of ID Act. As the dispute about legality of termination is raised after 29 years, dispute is not tenable. I record my finding in Point No.1 in Affirmative.

10. Point No.2- In view of my finding in Point No.1 dispute pertaining to termination of workman is not tenable because of lapse of long time. Claim for regularization tried to be made out in the evidence is not covered in the terms of reference. Therefore workman is not entitled to any relief. Accordingly I record my finding in Point No.2.

11. In the result, award is passed as under:-

- (1) The action of the management of Divisional Railway Manager, West Central Railway, Bhopal in terminating the services of workman Shri Vishnu Prasad Sharma S/o Laxman Prasad Sharma w.e.f. 28-7-85 is proper and legal.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1666.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 26/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-12012/117/97-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1666.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 06.07.2017.

[No. L-12012/117/97-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/26/98

Shri Kailash Chand Dhubiya,
S/o Shri Bhawani Singh Dhubiya,
R/o 282/3, Moti Bunglow,
Near Rajesh Aatta Chakki,
Dewas (MP)

...Workman

Versus

Dy.General Manager,
State Bank of India,
Zonal Office, Region-V,
Hamidia Road, Bhopal

...Management

AWARD

Passed on this 24th day of April 2017

1. As per letter dated 10-17/2/98 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L-12012/117/97-IR(DU). The dispute under reference relates to:

“Whether the action of the management of State Bank of India in terminating the services of Shri Kailashchand Dhubia S/o Bhawanisingh Dhubia w.e.f. 26-9-95 is justified? If not, to what relief the workman is entitled for?”

2. After receiving reference, notices were issued to the parties. Ist party filed statement of claim at Page 5/4 to 5/23. Case of Ist party workman is that Ist party workman joined Bank on 31-7-82. He rendered unblemished service for 13 years. That he is award staff being engaged as Farrash cum messenger. He was required to perform office work of shifting ledger, file etc. his services are covered by terms of employment. Sastry Award, Desai Award. The disciplinary action is covered under Para 520, 521 of Sastry Award. Vide letter dated 11-7-91, he was transferred to Banks Vikram Nagar branch. Bank submitted complaint to police station, Dewas. He was called by police for interrogation. Bank not submitted FIR against him. Formal complaint was not submitted against him to police for his prosecution. He was suspended during the period 26-8-89 to 13-3-91 alleging certain misconduct. Chargesheet was issued to him on 13-1-94. Workman replied to the chargesheet on 1-2-94, the Bank conducted full fledged domestic enquiry against him. Shri L.P.Sahu was appointed as Enquiry Officer. He was informed vide notice dated 1-3-94 about enquiry to commence at Dewas on 2-3-94. Enquiry was conducted till 20-1-95, list of 10 witnesses and 13 documents were submitted by management. Workman did not examine any defence witnesses. He was not allowed to cross examine management witness. Enquiry Officer submitted his findings on 15-5-95. After showcause notice, he replied the same. Punishment of dismissal was imposed against him on 26-9-95. Ist party workman submits that he challenged order of dismissal filing appeal. He was not allowed personal hearing, appeal was dismissed on 26-10-95. Order of his dismissal was upheld.

3. Ist party workman further submits order of dismissal is illegal. It amounts to his victimization. That enquiry was not conducted as per provisions of Desai Award. Para 521(2)(a) of Sastry Award was violated. FIR under Section 154 CRPC was not lodged to the police. Provisions under Desai Award were violated as workman was not prosecuted. Ist party workman further submits that Enquiry Officer has not specifically dealt with the charges. Specific findings that charges were proved against workman were not recorded. Workman reiterates that charges alleged against him were not proved from evidence in enquiry. Bank did not explain delay of 2 years in issuing chargesheet. The findings of Enquiry Officer are perverse. Evidence in Enquiry Proceedings cannot prove the charges alleged against him. The minimum requirement of rules were not followed. Out of 8 witnesses examined by management, 5 witnesses were bank employees. 3 witnesses were independent. Evidence of witness No.3 is reproduced emphasizing that evidence in Enquiry Proceedings cannot prove charges against him. The alleged misappropriation of Rs.1,43,797 was not properly established. The handwriting was not explained. The documents were not produced in enquiry. The findings of Enquiry Officer are perverse. On such ground, workman prays for his reinstatement with backwages.

4. 2nd party filed Written Statement at Page 7/1 to 7/7 opposing claim of workman. In para 1 of the Written Statement, 2nd party has referred to documents produced chargesheet, reply, report of Enquiry Officer, showcause notice, dismissal order, appeal memo, order of Appellate Authority. That the Ist party was employed as messenger at Dewas branch in 1990. In current Account of MPEB, 5 cheques were deposited. The details are given in Para 1 of Written Statement. The details of the accounts opened in name of Ramswaroop, Gopal Singh, Badrilal, Mangilal and amount deposited in those accounts are narrated in para 2 of the Written Statement. That Narayan Singh complained about withdrawal from his Account Rs.3700 on 3-10-89, Rs.1000 on 5-10-89, Rs.2300 on 16-10-89, Rs.3000 on 26-9-90. That workman had admitted withdrawal of said amount. That it is alleged that Ist party workman cheated Bank and defrauded amount of MPEB forging signatures of Narayan Singh withdrawing Rs.7000, fraudulently withdrawn Rs.10,000 from account of Shri Narayan Singh. Chargesheet was issued to workman on 10-2-94, DE was conducted against workman, he was allowed opportunity for his defence. Management's witnesses were cross examined. After showcause notice, punishment of removal from service was imposed against workman. Appeal was dismissed. 2nd party reiterates that the delay in issuing chargesheet is not relevant. The evidence of management's witness proves charges alleged against workman. Ist party had admitted withdrawal of amount, he destroyed documents about giving accounts etc. The opinion of handwriting experts supports the findings of Enquiry Officer. Workman admitted charge No.2 & 3. On such contentions, 2nd party prays that workman is not entitled to any relief.

5. Ist party workman filed rejoinder reiterating contentions in statement of claim. As per order dated 8-10-14, enquiry conducted against workman is found legal.
6. Considering pleadings between parties and order on preliminary issue, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the charges alleged against workman are proved from evidence in Enquiry Proceedings?	In Negative
(ii) Whether the punishment of dismissal imposed against workman is proper and legal?	In Negative
(iii) Whether the action of the management of State Bank of India in terminating the services of Shri Kailashchand Dhubia S/o Bhawanisingh Dhubia w.e.f. 26-9-95 is justified?	In Negative
(iv) If not, what relief the workman is entitled to?"	As per final order

REASONS

7. As per order dated 8-10-14, enquiry is found legal. Question remains for consideration whether charges alleged against workman are proved from evidence in Enquiry Proceedings. Exhibit M-1 is memorandum of charges. Charges alleged against workman pertains to misappropriation of amount of Rs.1,43,797 in name of Ramswaroop, Badrilal, Mangilal. Fraudulent withdrawal of Rs.7800 from Account No. 9996 of Ramswaroop, amount of Rs.7000 from account of Narayan Singh, amount of Rs.3000 from account 8488 of Narayan Singh and depositing amount Rs.3700 on 5-10-89, Rs.1000 on 16-10-89, Rs.2300 on 29-6-90. Exhibit M-2 is reply submitted by workman denying charges against him. Ist party workman prayed for exoneration alleging charges alleged against him were false. Exhibit M-3 is the Enquiry Report. Enquiry Officer has not recorded specific finding that charges alleged against workman were proved. W.r.t. charge No.1 Enquiry Officer observed Sr. officers were involved in the matter. Workman had withdrawn fraudulently from account of Narayan Singh. W.r.t. Charge No.2, Enquiry Officer observed that CSE withdrawn amount of Rs.7000 from account of his brother in law. Said amount was deposited in joint account of CSE and his wife. W.r.t. charge No.3,4 similar observations are made. W.r.t. charge No.5, Enquiry Officer recorded finding that CSE was intermittently visiting cashier in the branch. Clear evidence was not available for proof of Charge No.5.w.r.t. charge No.6, Enquiry Officer recorded his findings. The charge of conspiracy and fraudulent withdrawal was established. Exhibit M-4 is showcause notice issued to workman dated 31-7-95. Exhibit M-5 is showcause notice accompanied with order of dismissal. Exhibit M-6 is order passed in appeal. It is pertinent to note that the Enquiry Proceeding recording evidence of management's witness and documents about opening account forms, withdrawal forms are not produced in the case. Enquiry was found proper and legal and question whether charges alleged against workman are proved needs to be decided on the basis of evidence in Enquiry Proceedings. I donot find reasons why management has not produced record of Enquiry Proceedings in which documents related to charges and evidence of management's witnesses are not produced by management. In absence of evidence in Enquiry Proceedings, charges alleged against CSE cannot be said proved. Said point was brought to the notice of learned counsel for management S.H.Moel. Learned counsel had shown his willingness to produce the record of Enquiry Proceedings. The same is not produced therefore I record my finding in Point No.1 in Negative.

8. Point No.2- Punishment of dismissal is imposed against workman in pursuance of findings of Enquiry Officer that charges alleged against workman are proved. In view of my finding in Point No.1, charges alleged against workman are not proved as Enquiry Proceedings in which the evidence was recorded is not produced in the case. Punishment of dismissal against workman is illegal as charges against workman are not proved. Accordingly I record my finding in Point No.2&3.

9. Point No.4 In view of my finding in Point No.1 to 3, charges alleged against workman are not proved, punishment of dismissal against workman is illegal, question remains for consideration whether workman is entitled for reinstatement with backwages. Ist party filed affidavit of evidence on 7-5-15, his age is shown 59 years. He must have completed age of superannuation in the year 2015 therefore the relief of reinstatement cannot be granted in the case. As order of dismissal is illegal, in view of my finding in Point No.1 charges against workman are not proved, dismissal of workman is illegal, he is entitled to benefit of deemed reinstatement with full backwages till age of superannuation. Accordingly I record my finding in Point No.3.

10. Shri S.H.Moel counsel for management relies on ratio held in case between

General Manager, Punjab & Sind Bank and others versus Daya Singh reported in 200-LLR-1029. Their Lordship considering misconduct duly established by documentary evidence. No plausible defence as to how he could disburse loan to persons in whose name no FDR existed and for amount more than in FDR contention that borrowers not produced. Their Lordship held High Court erred in setting aside dismissal of bank Manager made after holding of enquiry wherein he has participated but did not have explanation for advancing of loans to persons not having FDRs besides that there were huge withdrawals by fictitious persons.

The ratio cannot be applied to case at hand as management has not produced Enquiry Proceedings, the evidence and documents produced in Enquiry Proceedings. Charges alleged against workman are not proved.

Reliance is also placed in case between State Bank of Patiala versus S.K.Sharma reported in 1996-II-LLJ-101. Ratio held in the case deals whether failure to literally comply with sub clause (iii) regulation 68 vitiated the enquiry. There was substantial compliance with the above clause. No prejudice resulted in account of non-furnishing of copies of witnesses statements.

In present case, enquiry is found legal. Consequently ratio in above case cannot be applied at this stage.

Reliance is also placed in case between Dinkar Murlidhar Anap versus Maharashtra State Road Transport Corporation through its Divisional Controller reported in 2016-LLR-226. Their Lordship held merely because the punishment appears to be disproportionate would not call for interference by the Court.

In present case, charges against workman are not proved. Ratio cannot be applied to case at hand. Considering my finding in Point No.1,2,3 as punishment of dismissal imposed against workman is illegal, workman is entitled for benefit of deemed reinstatement with backwages till date of his superannuation. Accordingly I record my finding in Point No. 4.

11. In the result, award is passed as under:-

- (1) The action of the management in terminating the services of Shri Kailashchand Dhubia S/o Bhawanisingh Dhubia w.e.f. 26-9-95 is illegal. Order of dismissal is quashed.
- (2) 2nd party is directed to give benefit of deemed reinstatement with continuity of service and backwages till date of superannuation.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1667.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ़ त्रावणकोर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, एर्नाकुलम के पंचाट (संदर्भ संख्या 49/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-12025/01/2017-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1667.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 49/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the management of State Bank of Travancore and their workmen, received by the Central Government on 06.07.2017.

[No. L-12025/01/2017-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri K. Sasidharan, B.Sc., LLB, Presiding Officer

(Wednesday the 24th day of May, 2017/03rd Jyaistha, 1939)**ID 49/2013**

Workman/Applicant : Shri G. Pradeep Kumar,
S/o Shri. Gopalakrishnan,
“Deva Sree”,
Deveswaram, Kilimannor PO,
Thiruvananthapuram – 695 601.

By Adv. Shri Ashok. B. Shenoy

Management : The Managing Director,
State Bank of Travancore,
Head Office,
Poojappura,
Thiruvananthapuram – 695 012.

By Advs. Shri. P. Ramakrishnan & Shri. C. Anil Kumar

This case coming up for final hearing on 24.05.2017 and this Tribunal-cum-Labour Court on the same day passed the following:

AWARD

This is an application filed by the workman under Section 2A(2) of the Industrial Disputes Act, 1947.

2. The averments in the application filed by the applicant in brief are as follows:

The applicant/workman joined the services of the management bank on 14.02.1986 as cashier/clerk at their Thiruvananthapuram main branch. Subsequently he was transferred to Thiruvananthapuram Treasury branch and Puthenchanda branch. While so he was compelled to avail leave from 07.09.2005 to 28.09.2005 and it was sanctioned to him. Due to reasons beyond his control the workman could not rejoin duty after the leave period. He could return his native place only in March, 2013. Thereafter the workman requested the management to grant permission to rejoin duty in March, 2013. The management did not allow him to rejoin duty.

3. The workman submitted a representation on 25.03.2013 before the Managing Director of the management bank and requested permission to rejoin duty. Subsequently as per letter dated 20.08.2013 the management bank informed the workman that his services have been terminated on the premise that he has voluntarily abandoned/vacated from service with effect from 28.09.2005. A copy of the order issued in this regard dated 21.03.2007 was also served to the workman along with the letter dated 20.08.2013. Thereafter the workman submitted application on 28.09.2013 before the Conciliation Officer – Assistant Labour Commissioner(Central), Thiruvananthapuram, challenging the termination of service. The Conciliation Officer could not resolve the dispute and hence issued a failure report. Hence the workman has preferred this application under 2A(2) challenging his termination and requested to pass an award declaring that the action of the management in terminating his services with effect from 28.09.2005 as illegal and to direct them to reinstate him in service with full back wages, continuity of service and other attendant benefits.

4. The management filed written statement contending that this application under Section 2A(2) of the Industrial Disputes Act, 1947 is not maintainable for the reason that it is preferred long after three years from the date of termination of service by order dated 21.03.2007. The workman challenged this order only in the year 2013 and hence his claim is barred and this Tribunal has no jurisdiction to entertain his application, the management has requested to consider the maintainability of the application as a preliminary point.

5. Without prejudice to the contention raised above, the management has disputed the other contentions in the application filed by the applicant. They have called upon the workman to prove all the averments in the application under Section 2A(2) of the Industrial Disputes Act, 1947. According to the management the workman has no legal right to maintain an application of this nature and he is not entitled the relief claimed. They have requested to disallow the claim of the workman.

6. After filing written statement by the management the workman filed replication reiterating the contentions in the application filed under Section 2A(2) of the Industrial Disputes Act, 1947.

7. After affording sufficient opportunity to both sides to take steps and for production of documents the matter was posted for considering the maintainability of the application filed under Section 2A(2) of the Industrial Disputes Act, 1947. At this stage the workman filed a memo seeking permission to withdraw the application filed under Section 2A(2) of the Industrial Disputes Act, 1947 with liberty to pursue his remedy for a reference under Section 10 of the said Act.

8. Notice of this memo was served to the counsel for the management. Heard both sides.
9. In view of the withdrawal memo filed by the applicant/workman, his request to withdraw the application filed under Section 2A(2) of the Industrial Disputes Act, 1947 is allowed. He is at liberty to pursue his remedy if any, if so advised, for a reference under Section 10 of the Industrial Disputes Act, 1947. An award is passed accordingly.
10. The withdrawal memo filed by the applicant/workman shall form part of the Award.

The Award will come into force one month after its publication in the Official Gazette.

Pronounced by me in the Open Court on this the 24th day of May, 2017.

K. SASIDHARAN, Presiding Officer

APPENDIX - NIL

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ERNAKULAM**

ID No. 49/2013

G. Pradeepkumar : Workman

Vs.

Stare Bank of Travancore : Management

MEMO FOR WITHDRAWAL FILED BY WORKMAN

In view of the objection as to maintainability raised in the above application; workman seeks to withdraw the above application filed under Section 2A (2) of the Industrial Disputes Act, 1947, with liberty to pursue his remedy for a reference order under Section 10 of the said Act. Workman may be permitted to withdraw the above Application accordingly, with grant of liberty as aforesaid.

Dated this the 24th day of May, 2017.

Sd/-

G. Pardeep Kumar

WORKMAN

Sd/-

Adv. Ashok B. Shenoy

COUNSEL FOR WORKMAN

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1668.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ़ त्रावणकोर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, एर्नाकुलम के पंचाट (संदर्भ संख्या 36/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-12025/01/2017-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1668.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the management of State Bank of Travancore and their workmen, received by the Central Government on 06.07.2017.

[No. L-12025/01/2017-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ERNAKULAM**

Present: Shri K. Sasidharan, B.Sc., LLB, Presiding Officer

(Tuesday the 30th day of May, 2017/09th Jyaishta, 1939)

ID 36/2013

Workman/Applicant : Shri. S. Murali,
 OLD No.60,
 Triplicane High Road,
 Buchi Babu Street,
 Triplicane,
 Chennai – 600005
 (Ex-parte)

Management : The Managing Director,
 State Bank of Travancore,
 Poojappura Branch,
 Thiruvananthapuram

By Adv. Shri. P. Ramakrishnan

This case coming up for final hearing on 25.05.2017 and this Tribunal-cum-Labour Court on 30.05.2017 passed the following:

AWARD

This is an application under Section 2A(2) of the Industrial Disputes Act, 1947 as amended by the Industrial Disputes (Amendment) Act, 2010 (24 of 2010).

2. The contentions of the applicant in brief are as follows:-

The applicant/workman joined the services of the management bank in the year 1980. While working as a clerk (single window operator) in Vellayani branch, Thiruvananthapuram, the disciplinary authority of the management bank – i.e., the Assistant General Manager II; as per Order No.DGM/T/DPS dated 29.01.2008, suspended him from service; pending disciplinary proceedings. Subsequently the disciplinary authority issued a charge sheet to the workman with direction to submit his explanation. The workman submitted explanation to the charge sheet on 18.07.2008. Thereafter the disciplinary authority ordered domestic enquiry, appointed Shri. V. Gopalakrishnan Nair, Chief Manager, Pappanamcode branch, Trivandrum as the enquiry officer to conduct departmental enquiry against the workman.

3. The enquiry officer conducted the enquiry in an unfair and partisan manner without affording fair and reasonable opportunity to the workman to substantiate his contentions. The enquiry officer has not followed the principles of natural justice while conducting the enquiry. The enquiry officer has not evaluated the materials on record in the correct perspective. Therefore the enquiry is vitiated and hence invalid.

4. The misconduct alleged against the workman is without any basis and not supported by any factual state of affairs. The witness examined on the side of the management to prove the complaint in respect of customer Nos.1 to 26 has stated that he has withdrawn the complaint. This evidence is supported by another witness examined in the enquiry. There is no evidence to connect the complaint in respect of customer No.27. So also the witness examined to prove the complaint in respect of customer Nos.28 to 30 has stated that he filed the complaint at the instigation of the branch Manager. There is no material on record to arrive at a conclusion that the workman has misappropriated the sum of Rs.103755/-. So also there is no evidence to prove that the workman has received the said amount as alleged by the management.

5. The disciplinary authority has not appreciated the submissions made by the workman nor appreciated the factual aspects before arriving at a conclusion as to the misconduct alleged against the workman. The punishment imposed by the disciplinary authority is excessive, exorbitant and not supported by any materials on record. The workman had an unblemished service of 29 years at the time of terminating his service by way of compulsory retirement. His past service record was not considered while awarding the punishment.

6. Therefore the workman has requested to hold that the enquiry is vitiated and hence invalid and to pass an award setting aside the punishment imposed on him and to reinstate him in service with back wages, continuity of service and attendant benefits thereof.

7. The contentions in the written statement filed by the management in brief are as follows:-

The punishment order imposing the punishment of compulsory retirement with superannuation benefits without disqualifying from future employment is dated 29.09.2009. The industrial dispute is raised only during June, 2013. Therefore the industrial dispute raised by the workman is time barred and this Court has no competency to consider this dispute.

8. Without prejudice to the contention raised above, the management has denied all averments in the application except those that are specifically admitted. While working as single window operator of the Vellayani branch of the management bank, the workman was suspended from service as per memo dated 29.01.2008 for committing serious misconducts. Subsequently a charge sheet dated 11.06.2008 was issued to him. The charge levelled against the workman was that the cash remittances received at his counter from various persons specified in the charge sheet amounting to Rs.1,03,755/- were dishonestly misappropriated from the bank by not crediting the amounts tendered by the customers into their respective accounts and disposing them after making necessary entries in their passbooks. 37 such instances were detailed in the charge sheet. Therefore the workman was charge sheeted as per clause 5(j) of the Memorandum of Settlement dated 10.04.2002 for doing acts prejudicial to the interests of the bank or gross negligence involving or likely to involve the bank in serious loss. Therefore the management ordered domestic enquiry, appointed an enquiry officer as well as a presenting officer. The enquiry officer conducted the enquiry in just, fair and proper manner affording fair and reasonable opportunity to the workman to substantiate his contentions and by following the principles of natural justice. The workman is defended by a representative of his choice, he was allowed to cross examine the witnesses examined on behalf of the management, on his behalf three witnesses were examined and 18 documents were exhibited. The enquiry is conducted in a just and proper manner. There is no illegality or impropriety in the conduct of enquiry by the enquiry officer.

9. After obtaining the report from the enquiry officer, the disciplinary authority evaluated the matter in detail, followed all the procedural requirements and thereafter passed the proposed punishment order. Subsequently that order was confirmed after complying the procedural requirements. The appellate authority rejected the appeal preferred by the workman as per the order dated 18.08.2010; confirming the punishment imposed by the disciplinary authority.

10. Without prejudice to the contentions raised above, the management has stated that in case it is found that the enquiry or the findings entered by the enquiry officer are vitiated in any manner, the management sought permission to adduce independent evidence to substantiate the charges levelled against the workman. The management has requested to pass an award upholding their contentions and to hold that the workman is not entitled to any relief as claimed by him.

11. The question regarding the maintainability of the application under Section 2A(2) on the ground that it is barred by limitation as also the validity of the enquiry was considered as the preliminary points.

12. On this aspect, on behalf of the management MW1 was examined and Exts.M1, M1(a) and M1(b) are the documents marked. Thereafter the matter was posted for preliminary hearing. At this stage the counsel for the workman submitted a memo to the effect that he is relinquishing the vakalath on behalf of the workman. Thereafter the workman was called absent and he was set ex-parte.

13. As per the Preliminary Order dated 24.05.2017, this Tribunal held that the application under Section 2A(2) of the Industrial Disputes Act, 1947 is not maintainable for the reason that this application is preferred long after three years from the date of termination of the workman by the management. It was also held that the domestic enquiry conducted by the management in this matter is valid and proper.

14. Thereafter the matter was posted for final hearing. At the stage of final hearing also the workman remained absent. He was already set ex-parte in the proceedings. Heard the learned counsel for the management.

15. The point arising for consideration is:

“Whether the workman is entitled to obtain an award directing his reinstatement in service with back wages; continuity of service and other attendant benefits?”

The Point:-

16. This is an application filed under Section 2A(2) of the Industrial Disputes Act, 1947 as amended by Act 24 of 2010. The applicant has stated that he joined the services of the management bank in the year 1980. While he was employed as clerk (single window operator) at the Vellayani branch of the management bank; the disciplinary authority as per order No.DGM/T/DPS dated 29.01.2008 placed him under suspension pending disciplinary proceedings. Subsequently the disciplinary authority issued a charge sheet to the applicant with direction to submit explanation. The applicant submitted explanation to the charge sheet, which was not acceptable to the disciplinary authority. Hence the management appointed an enquiry officer who conducted the enquiry and submitted the report. Thereafter the disciplinary authority complied all the procedural requirements and imposed the punishment of compulsory retirement with superannuation benefits without disqualification from future employment. The workman was accordingly superannuated from the services of the management bank. The punishment is imposed as per order No.AGM II/T/P&C/290 dated 29.09.2009.

17. According to the applicant the disciplinary proceedings initiated against him is without any basis and not supported by anything on record. He has challenged the initiation of disciplinary proceedings. He has stated that the

enquiry conducted by the enquiry officer is vitiated on the ground of malafides, denial of fair and reasonable opportunity and failure to follow the principles of natural justice. He has requested to hold that the enquiry is vitiated and hence it is invalid in the eye of law. He has also requested to set aside the punishment imposed on him.

18. The management has contended that the enquiry officer conducted the enquiry in a fair and just manner after affording sufficient opportunity to the applicant to substantiate his contentions and by following the principles of natural justice. It is stated that the enquiry is valid, just and proper. It is also stated that the disciplinary authority evaluated the matter in detail and afforded opportunity to the applicant to make his submissions and thereafter passed the final order on the basis the proved misconduct against the applicant.

19. As per the Preliminary Order dated 24.05.2017 it is held that the enquiry is just, valid and proper and there is no illegality in the conduct of the enquiry. Thereafter the matter was posted for final hearing.

20. The learned counsel for the management submitted that the punishment imposed by the management is just and reasonable. On going through the facts and circumstances of the case as revealed from Ext.M1 file and the evidence recorded by the enquiry officer and the documents marked in the course of domestic enquiry it is evident that the management has succeeded in proving the misconduct alleged against the applicant. The misconduct committed by the applicant is a major misconduct and requires deterrent punishment. The punishment imposed by the disciplinary authority and confirmed by the appellate authority is just and reasonable and commensurate with the misconduct alleged against the applicant. It follows that the applicant is not entitled to the relief claimed as per this application. Therefore the point for consideration is answered against the applicant and in favour of the management.

21. In the result an award is passed holding that the applicant/workman is not entitled to any relief as claimed in this ID.

The Award will come into force one month after its publication in the Official Gazette.

Pronounced by me in the Open Court on this the 30th day of May, 2017.

K. SASIDHARAN, Presiding Officer

APPENDIX

Witness for the workman/applicant

NIL

Witness for the management

MW1 11.04.2016 Shri. Gopakumaran Nair. V.

Exhibits for the workman/applicant

NIL

Exhibits for the management

M1	-	Documents filed by the management bank (Vol.I).
M1(a)	-	Preliminary hearing held on 17.10.2008 against the applicant vide charge sheet No.AGM II/T/DPS/21 dated 11.06.2008 and inquiry order No.AGM II/T/175 dated 25.07.2008 of the disciplinary authority conducted by the management bank at Vellayani branch (56 pages).
M1(b)	-	Documents filed by the management bank (Vol.II).

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1669.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 30/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-41012/105/97-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1669.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Central Railway and their workmen, received by the Central Government on 06.07.2017.

[No. L-41012/105/97-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/30/98

Shri Tulsiram S/o Fakira,
R/o 20 Kholi, Railway Colony,
In front of Shankarji temple,
Railway ground, Jabalpur

...Workman

Versus

Divisional Railway Manager,
Central Railway,
Jabalpur

...Management

AWARD

Passed on this 3rd day of May, 2017

1. As per letter dated 6-2-98 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D. Act, 1947 as per Notification No. L-41012/105/97-IR(DU). The dispute under reference relates to:

“Whether the action of the management of Divisional Railway Manager, Central Railway, Jabalpur (MP) in dismissing the services of Shri Tulsiram, S/o Fakira, Gangman w.e.f. 8-11-94 is legal and justified? If not, to what relief the workman is entitled to?”

2. After receiving reference, notices were issued to the parties. Ist party workamn submitted statement of claim at Page 2/3 to 2/8. Case of workman is that he was working as Gangman Unit No.6 under PWI, Central Railway, Sehora. After completion of 10 years service, he was wrongfully terminated on 8-11-94 without complying Rule-9 of Railway Servants. That he was denied protection of Article 311 of the constitution. That workman was under treatment of Government Doctor at Victoria Hospital, Jabalpur receiving treatment for TB after producing certificate of fitness from Railway Medical Hospital, Jabalpur. He was removed from service instead of allowing on duty. That he was not served with any chargesheet, no enquiry was conducted against him. That Railway Medical Authority had inquired from Non-applicant No.3 about his name on muster roll. It was replied as per duty sheet dated 1-3-94. That medical certificate was issued by Railway Authority for resuming duty but he was not allowed to join duty. On 27-10-94, 2nd party No.1 allowed him to join duty 2nd party No.2 removed him from duty on 8-11-94. It is reiterated that his removal from duty is illegal. He did not get any reply to appeal preferred by him. Workman reiterates that order of his removal is legal as proper enquiry was not held. Showcause notice was not issued to him. Chargesheet was not served on him. He was not given any opportunity. Order of his removal is violative of Article 311 of the constitution workman on above ground prays for his reinstatement with backwages.

3. 2nd party management filed Written Statement at Page 4/1 to 4/3 opposing claim of workman. 2nd party submits that reference is not tenable as 2nd party impleaded is not judicial person. 2nd party denies that workman was illegally terminated. It is contented that workman was terminated after issuing chargesheet and holding regular enquiry according to Railway Servant Discipline Appeal Rules. Workman was allowed opportunity for his defence in Enquiry Proceedings. That workman remained unauthorisely absent without giving information to the department. That workman not reported Railway Hospital about his illness. Fitness Certificate M-15 did not was his conduct of remaining unauthorisely absent for more than 5 years. That charges against workman were proved in Enquiry Proceedings for proved charges of unauthorised absence in Enquiry Proceedings, workman was removed from service. It is reiterated workman was given opportunity for his defence. Claim of workman is liable to be rejected.

4. Ist party workman submitted rejoinder at Page 6/1 to 6/5 reiterating his contentions in statement of claim. That one day enquiry was held on 31-10-94 was formality. He was not allowed opportunity to engage Defence Assistant. That witness Khemchandani was not examined. Medical Certificate was produced by him. Workman not accepted his guilt. Punishment of removal from service is illegal.
5. As per order dated 12-7-16, enquiry conducted against workman is held legal. Other issues are framed.
6. Considering pleadings on record and findings on enquiry, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the misconduct alleged against workman is proved from evidence in Enquiry proceedings?	In Affirmative
(ii) Whether the punishment of dismissal imposed against workman is proper and legal?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

REASONS

7. Point No.1- vide order dated 12-7-16, enquiry conducted against workman is found legal. Question remains for consideration is whether misconduct alleged against workman is proved from evidence in Enquiry Proceedings. Workman has filed affidavit of his evidence. On all points including the chargesheet issued to him and enquiry conducted and also on merit of charges. In view of enquiry conducted against workman is found legal, as per proviso of Section 11-A other evidence cannot be considered. Only evidence in Enquiry Proceedings needs to be considered. Exhibit M-1 produced by management is charge of unauthorised absence from 24-8-89 to 30-6-93 is alleged. Management has produced record of enquiry Exhibit M-2. Ist party workman was explained charge of unauthorized absence. Workman replied that he was not deliberately absent. He suddenly fell ill and received private treatment. That he had not given its information to the management. That he was found fit by Railway Doctor and advised for sick certificate. Workman in reply to further question says he received sick certificate from Railway Doctor. In reply to further question, workman says he received treatment from Private Doctor. He had gone to Railway Hospital Jabalpur for sick certificate. Sick certificate was not issued to him. Evidence in Enquiry Proceedings Exhibit M-7 is clear that workman remained absent from duty, he not given intimation to the management. Workman not produced sick certificate from Railway Doctor. Charges alleged against workman of unauthorised absence is established. For above reasons, I record my finding in Point No.2 in Affirmative.

8. Point No.2- The record of enquiry shows that workman was unauthorisely absent from 18-9-89 to 30-6-93. Considering long absence of unauthorised absence of workman, punishment of dismissal imposed against workman cannot be said shockingly disproportionate. Learned counsel for workman Shri S.Pandey submits that workman had submitted certificate about illness therefore punishment of dismissal is not justified. As evidence discussed on record, medical certificate from Railway Hospital was not issued, argument advanced cannot be accepted.

9. Learned counsel for 2nd party submitted copies of award in R/140/91, 109/99 for consideration. Each case requires to be decided considering facts and evidence on record. Considering the long unauthorized absence, punishment of dismissal of workman is justified. For above reasons, I record my finding in Point No.2.

10. In the result, award is passed as under:-

- (1) The action of the action of the management of Divisional Railway Manager, Central Railway, Jabalpur (MP) in dismissing the services of Shri Tulsiram, S/o Fakira, Gangman w.e.f. 8-11-94 is legal and proper.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1670.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 50/2006) को प्रकाशित करती है, जो कन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-12012/229/1996-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1670.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 50/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the industrial dispute between the management of State Bank of Bikaner and Jaipur and their workmen, received by the Central Government on 06.07.2017.

[No. L-12012/229/1996-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Presiding Officer : Bharat Pandey

I.D.50/2006

Reference No.L-12012/229/1996(IR(B-I)) dated: 17.5.2006

Shri Madan Lal Talwaria
S/o Shri Rudmal Talwaria
C/o Gulab Chand Mali
Behind Sabzi Mandi, Gandhi Chowk,
Phulera (Rajasthan).

V/s

The Chairman
State Bank of Bikaner & Jaipur
Head Office, Tilak Marg,
Jaipur (Rajasthan).

Present :

For the Applicant : Sh. M.F.Beig, Advocate
For the Non-applicants : Sh. R.K.Jain, & Sh. Amitava Mozumdar, Advocates.

AWARD

Dated: 4.5.2017

1. The Central Government in exercise of the powers conferred under clause (d) of Sub Section 1 & 2(A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication:-

“ Whether the action of the management of State Bank of Bikaner & Jaipur, Jaipur in terminating the services of Shri Madan Lal Talwaria is legal and justified? If not, to what relief the applicant is entitled to?”

2. According to statement of claim briefly fact of the case is that applicant Sh. Madan Lal Talwaria was appointed on 18.2.1982 as class IV employee under non-applicant. His services were terminated on 31.12.1982 without assigning any reason. It has been further alleged that applicant has worked for more than 240 days before termination of his service & he was neither given one month's notice before termination nor paid retrenchment compensation. Seniority list was not prepared before termination which is violation of Rule 77 of Industrial Disputes (Central) Rules, 1957. Non-applicant has made appointments after termination of the service of the applicant in violation of Rule 78 of Industrial Disputes (Central) Rules, 1957. At the time of termination of the service of the applicant his juniors were working under non-applicant.

3. Industrial dispute raised by applicant ended in failure & Central Government refused to make reference on the basis of failure report. Aggrieved by above decision of the Central Government applicant preferred writ petition before

the Hon'ble Rajasthan High Court & on the basis of direction of Hon'ble High Court above reference was made by Central Government for adjudication. It has been further alleged that applicant is jobless since termination of his service. It has been prayed that his order of termination be declared illegal & applicant be reinstated in service with all consequential benefits & continuity in service.

4. Reply to statement of claim consists of four parts wherein part 3 is parawise reply to statement of claim. Against para 1,2,13 & 14 it has been alleged that statements in these paragraphs are based on record. It has been further alleged that applicant has not worked under supervision & control of opposite party no.1 & has worked only in the branch of opposite party No.2 Branch Manager.

5. Against para 3 of statement of claim it has been alleged that applicant was not engaged on the post of fourth class under any settled recruitment process & only time to time work was taken from him casually.

6. Against para 4,5 & 6 it has been alleged that applicant has worked only for 76 days between Feb, 1982 to Dec, 1982 & he has never worked for 240 days during his entire period of service as mentioned above. Further it has been alleged that opposite party has not terminated the services of the applicant on 31.12.1982 & applicant has never worked continuously & he has worked temporarily on different dates.

7. It has been alleged against paras 7 to 10 of the statement of claim that non-applicant has not violated any provision of the Industrial Disputes Act, 1947 or rules made there under. **Applicant himself did not appear for working after 31.12.1982 & he himself is responsible for his act of non-appearance for further working beyond 31.12.1982 because he deserted the work.** Applicant has not taken any action which proves that his services were terminated by non-applicant. Applicant has also not taken any step for reappointment on the basis of guidelines by Central Government for which applicant is himself responsible. Applicant was not a regular employee hence, issuing a charge sheet against him is not logical & there was no unfair labour practice by non-applicant against the workman. Applicant is not entitled to any relief on the ground of delay & applicant has not assigned any reason for raising the dispute with delay since 1982.

8. In part 4 of the reply it has been alleged that applicant is not entitled to any relief & his claim petition is liable to be dismissed on the basis of delay & non-maintainability in view of preliminary objections raised in part 1 of reply to statement of claim.

9. Part 1 of reply to statement of claim relates to preliminary objections. It has been alleged in preliminary objection that opposite party has not taken work from applicant continuously & work of a peon has been taken only according to need purely on temporary basis on different dates. Appointment in the organisation of opposite party is done only according to established procedure. It has been further alleged that before the Conciliation Officer it has been specifically mentioned by opposite party in written reply that since 1982 applicant has worked only for 76 days on different dates & has not worked for 240 days in his entire service period. It has also been alleged that there is no employer-employee relationship & dispute is not covered under the definition of 'Industrial Dispute' as alleged in section 2(k) of Industrial Disputes Act, 1947. It has been alleged that dispute has been raised after laps of 15 years before the Labour Commissioner (Central) & reference has been made by the Central Government despite the delay without application of mind.

10. In part 2 of the reply to statement of claim there is repetition of the facts that applicant has worked only for 76 days & has not completed 240 days. It has been further alleged in para 3 of part 2 that applicant after laps of 13 years from 31.12.1985 filed writ petition before the Hon'ble Rajasthan High Court against his dismissal & the writ petition was dismissed by Hon'ble High Court. After dismissal of the writ petition applicant raised industrial dispute before the Assistant Labour Commissioner (Central) & failure report was submitted by Assistant Labour Commissioner (Central) to the Ministry wherein decision was taken by Central Government in 1997 that dispute is unsuitable to be referred for adjudication. Against the decision of Central Government about non-reference applicant filed writ petition in the year 2000 before the Hon'ble High Court which was allowed on 22.2.2006. In compliance of order dated 22.2.2006 present reference has been made for adjudication wherein it has been held by Hon'ble High Court that dispute raised at belated stage may be adjudicated by competent court after taking evidence of the parties.

11. It has been further alleged that non-applicant has not violated any of the provision of Industrial Disputes Act, 1947.

12. In rejoinder it has been alleged that preliminary objections are devoid of merit. Applicant has reiterated that he has worked for 240 days in a year immediately preceding the alleged date of termination. It has also been alleged that when non-applicant has admitted that applicant has worked in the bank then question of non-existence of employer-employee relationship cannot be taken up by non-applicant. **It has been further alleged that delay in initiating the proceeding for institution of case has emerged because of assurance of non-applicant & sickness of the applicant.**

13. Applicant in support of statement of claim has filed his affidavit in evidence & has been cross examined by non-applicant. Applicant has filed documentary evidence Ex-w-4 to Ex-w-8 which are photocopy of medical & fitness certificates by doctor Sitaram Meena. Applicant has also filed photocopy of certified copy of order of Hon'ble High Court dated 22.2.2006 in S.B.civil writ petition no. 3151/2006. Certificate relating to fitness does not mention when it was issued and since what date applicant is fit to join duty. Applicant has also not filed any record of prescription.
14. Sh. Durgadutt, Branch Manager has filed his affidavit in evidence on behalf of opposite party who has been cross-examined by non-applicant. Non-applicant has filed photocopy of pay register of July, August & September, 1982. Beside this, non-applicant has also filed pay scroll for Feb, 1982 to Dec, 1982.
15. I have heard the argument of learned representatives of both the parties & perused the record carefully. Applicant has filed written argument also. Non-applicant has not filed written argument.
16. Following rulings have been filed by applicant:-
1. AIR 1999 SC 1351, Ajaib Singh.....Appellant v/s The Sirhind Co-Operative Marketing Cum-processing Service Society Limited and Anr.....Respondent.
 2. AIR 2001 SC 2562, Sapan Kumar Pandit.....Appellants v/s U.P. State Electricity Board and Ors...Respondent.
 3. 1976 I LLJ 478, State Bank of Indiaappellant v/s N. Sundar money.....respondent.
17. Non-applicant has filed the following rulings :-
1. (1998) 8 Supreme Court Cases 733, State of Harayana.....Appellant v/s Om Prakash And AnotherRespondents.
 2. 2015 (144) FLR 452, Allahabad High Court, U.P. Projects Corporation Ltd., Lucknow and another V/s Presiding Officer, Labour Court-1, U.P., Kanpur.
18. It has been argued by the learned representative of the applicant & has been mentioned in the written argument also that applicant was appointed as class IV employee by non-applicant on 18.2.1982 & removed from the service on 31.12.1982 without giving any notice or pay in lieu of notice or retrenchment compensation. It has been further argued that applicant has worked for more than 240 days in a year & before his removal from the service seniority list was not published by non-applicant. It has been further alleged that beside violation of section 25-G after removal of the applicant from service new appointments have been made without giving opportunity to the applicant in violation of section 25-H of the I.D.Act. Reliance has been placed by the learned counsel for the applicant on the case reported in 1976 I LLJ 478, State Bank of Indiaappellant v/s N. Sundar money.....respondent. Countering the above argument it has been argued by learned representative of the non-applicant that applicant has worked for only 76 days in his entire service period & burden of proof lies with applicant to prove by reliable evidence that he has worked for 240 days. It has been further alleged that dispute has been raised by the applicant at belated stage which is not maintainable on the point of delay alone. It has been further argued that applicant himself has abandoned the work & later he did not appear to join the job. It has been argued with stress that the burden is on the applicant to prove that he was removed from the service by non-applicant. Reliance has been placed on the case reported in 2015 (144) FLR 452, Allahabad High Court, U.P. Projects Corporation Ltd., Lucknow and another V/s Presiding Officer, Labour Court-1, U.P., Kanpur & (1998) 8 Supreme Court Cases 733, State of Harayana.....Appellant v/s Om Prakash And AnotherRespondents.
19. Looking into argument of both the parties as indicated above I prefer to take first the issue relating to the fact whether applicant was appointed in any manner by non-applicant. During conciliation proceeding before Assistant Labour Commissioner reply dated 7.8.1996 submitted by non-applicant indicates that applicant was appointed as temporary peon for different periods against temporary vacancy caused due to temporary increase in work & due to occurrence of leave vacancy. His temporary services came to end on expiry of specified period for which he was appointed. Appointment letter or its copy has not been filed on record from either side. Thus, I am of the view that there is no dispute in relation to the fact that applicant was a temporary employee of the non-applicant who was offered appointment on temporary basis against leave vacancy & increase of work temporarily. There is no evidence on record oral or documentary to the effect that at the time of removal services of the applicant came to end on account of expiry of engagement or it was a result of termination. Non-applicant has alleged that applicant himself had abandoned the service.
20. In 2015 (144) FLR 452, Allahabad High Court, U.P. Projects Corporation Ltd., Lucknow and another V/s Presiding Officer, Labour Court-1, U.P., Kanpur, respondent was a daily wager employee. The case of the petitioner before the Hon'ble High Court was that in year 2000-01 certain construction projects were allotted to the petitioner corporation. In order to meet the requirement of staff, Corporation proceeded to engage some persons on the muster roll. Respondent No.2 was engaged on payment of Rs.98/ per day in the month of June, 2001 who worked up to Dec,

2001. His total number of working day was 127 days. He was engaged at the time of commencement of the project but disengaged thereafter. It was contention of petitioner that engagement of respondent 2 was for a particular project at District Chitrakoot & when project came to an end services of the respondent was discontinued. It was submitted by petitioner before the Hon'ble High Court that above mentioned facts were pleaded in the written statement of the petitioner employer, however, the labour court did not advert itself to the said submissions & recorded a finding that the petitioner services has been illegally dispensed with. Accordingly, claim of the respondent 2 was accepted which was solely based on an identity card presented by respondent 2. The claim of the respondent was that he was appointed as draftsman on 1.2.2001 & worked regularly till Sep. 2003 & thereafter he was transferred in the office of Corporation at Banda. His services were terminated wrongly on 1.8.2005 & he had worked for more than 240 days in the petitioner Corporation. Respondent 2 had filed several documents namely experience certificate etc as proof of the his working in the corporation. The witness of the Corporation in his statement before the Labour Court categorically had denied the execution of documents Ex-w-9 to Ex-w-22 & had alleged that these documents were not the official record of the corporation. It was also the case of the corporation that there was no post of draftsman in the corporation office, Banda & the post of draftsman is a regular sanctioned post which had to be filled in accordance with the rules after notifying the vacancy which requires written examination & interview for selection. It was admitted case of corporation that no such procedure of recruitment was adopted in the matter of respondent 2 & he was not appointed on the post of draftsman. It was submitted before the Hon'ble High Court by the petitioner that the Labour Court had recorded the finding that respondent 2 was appointed on the post of draftsman on 1.2.2001 relying on the identity card of respondent No.2 which was an erroneous conclusion. Respondent no.2 was reinstated with back wages on the ground that the dispensation of his services were in violation of section 6-N of U.P. Industrial Disputes Act, 1947. (Section 6-N of U.P. Industrial Disputes Act, 1947 corresponds to section 25-F of I.D.Act, 1947). Finding of the Labour Court was set aside by Hon'ble High Court on the ground that the onus, lies on the respondent workman to specifically plead & prove that he was employed till 1.8.2005 which he failed to do. Accordingly, it was held that finding recorded by labour court cannot be sustained. It was held by Hon'ble High Court in para 15 of the judgement as under :-

“15. It is well settled that the burden of proof of working of 240 days lies on the person who pleads the same. Respondent No.2 though pleaded, however, failed to prove that he has worked for 240 days.”

21. In (1998) 8 Supreme Court Cases 733, State of Harayana.....Appellant v/s Om Prakash And AnotherRespondents, it has been held by Hon'ble Supreme Court that if the workman himself ceases to report for duty & remains absent for about 3 long years & employer having done nothing whatsoever to put an end to the employment of the workman, such case does not fall within the meaning of retrenchment u/s 2(oo) of I.D.Act, 1947 & provision of section 25-F is not attracted in such fact & circumstance.

22. From the above cited cases submitted by learned representative of the non-applicant it is clear that burden of proof lies with applicant to prove the fact of working 240 days immediately preceding the date of termination.

23. As far as the question whether the applicant has worked for 240 days in a year immediately preceding the date of alleged termination on 31.12.1982 is concerned, burden of proof lies on applicant to show that he has worked for 240 days immediately preceding the alleged date of termination on 31.12.1982. According to statement of claim it has been alleged by applicant that he was appointed on 18.2.82 & his services were terminated on 31.12.82 hence, applicant is under obligation to prove that he has worked for 240 days within the period of 18.2.82 to 31.12.82. No documentary evidence relating to attendance or receipt of pay have been filed by applicant to substantiate his claim of 240 days working immediately preceding the date of termination of his services on 31.12.82. In his affidavit also he has claimed that he has worked for 240 days but in cross-examination he has admitted that he was paid on monthly basis & he had worked on daily basis. He has further alleged that he does not know whether statement of payment of wages was prepared by non-applicant or not but he knows that he was not paid by means of voucher & he was paid on monthly basis. Non-applicant has filed statement of record of payment made to the bank staff for the month of Feb, 82 to Dec, 82. In these statements of 11 months for Feb, 82 to Dec, 82 applicant has been paid for 3 days for the month of Feb, 82, 14 days for the month of Oct, 82, 29 days for the month of Nov, 82 & 30 days for the month of Dec, 82 which altogether comes out to be 76 days only. Applicant in his cross-examination has alleged that it is wrong to say that he has worked only for 76 days only. Further on page 3 of cross-examination he has admitted that he himself has not filed any documentary evidence that he has worked for 240 days. He has also admitted that he had not filed any application to get the record summoned from the possession of the non-applicant. It is pertinent to mention here that non-applicant has filed record of payment made to the staff for the month of Feb, 82 to Dec, 82 wherein information relating to applicant indicates that he has worked only for 76 days only for which he has been paid.

24. In cross-examination Sh. Durga Dutt, Branch Manager, witness of non-applicant has alleged that applicant was a daily wage employee who was working for cleanliness & other casual work. There is nothing significant in cross-examination of Sh. Durga Dutt which is capable of assisting the applicant that he has worked for 240 days immediately preceding the date of his alleged termination on 31.12.82.

25. Applicant has placed reliance on the case reported in 1976 I LLJ 478, State Bank of Indiaappellant v/s N. Sundarmoney.....respondent. In this case respondent N. Sundarmoney had completed 240 days of service before his termination although he was initially appointed only for a period of 9 days. It shall appear from para 6 of the judgement of the Hon'ble Supreme Court that both the party to the appeal had admitted continuous service of the applicant within the meaning of section 25-B(2) of I.D.Act, 1947 which reads as under :-

“6. This respondent was appointed as cashier, off and on, by the State Bank of India between July 4, 1970 and November 18, 1972. The intermittent breaks notwithstanding, his total number of days of employment answered the test of “deemed” continuous service within S. 25B (2) and both sides accept that fact situation.”. In above fact & circumstance appeal of the appellant employer was dismissed by Hon'ble Supreme Court. From the case of Sundarmoney applicant cannot be benefited because he has not completed continuous service of 240 days & there is no admission on the part of opposite party that applicant Madanlal has completed 240 days of service with non-applicant.

26. Here, it is important to note whether services of the applicant were terminated by non-applicant or applicant had himself abandoned the work & had stopped coming on the work. According to para 5 of statement of claim applicant was removed from service on 31.12.82 by non-applicant without assigning any reason. This fact of statement of claim has been specifically denied by non-applicant in reply to statement of claim & it has been further alleged that applicant did not have a continuous working & he was engaged only periodically on different occasions & dates. Applicant has not alleged in statement of claim whether he was removed orally or he was given written order of removal. In his affidavit in evidence he has alleged that he was removed by oral order but there is nothing on record to indicate that he initiated any action against non-applicant about his removal after 31.12.82 till 1986. This indicates the abandonment of the work by applicant which has been stated by witness Durgadutt in his affidavit & Sh. Durgadutt has not been cross-examined on this point. Reply submitted before ALC dated 7.8.86 indicates that only in the year 1986 a dispute was raised on behalf of applicant Madanlal along with others by employees association which ended in failure. Sh. Madan Lal in his cross-examination has said that after his removal from the work he had moved an application before the Manager but he has not filed that copy of application on the record. Record of Medical Certificates indicates that he was ailing only since Jan, 86, hence, there appears no reason assigned by applicant for not taking any action about his removal from the work against the non-applicant which shows that there was abandonment of the work on the part of applicant & his allegation of termination of service does not find support from any evidence.

27. On the basis of above discussion I am of the view that applicant has failed to prove that he has worked for 240 days immediately preceding the date of his termination. Accordingly, the provision of section 25-F of I.D. Act is not attracted in the case of Madanlal.

28. Applicant in para 9 of statement of claim has alleged about violation of section 25-G & in para 10 about violation of section 25-h of I.D.Act, 1947 but has not disclosed name of person who were junior to him but they were not removed from service or retrenched before his removal. He has also not named the person who were appointed after his removal but he was not considered before their appointment. In his affidavit also applicant has not mentioned any name relating to violation of section 25-G & 25-H of I.D.act, 1947. In above fact & circumstances I am of the view that applicant has failed to prove the violation of section 25-G & 25-H of I.D.Act, 1947 by non-applicant.

29. Further, it has been alleged by learned representative of non-applicant that statement of claim of the applicant is not maintainable on the ground of delay & in this support it has been alleged that Central Government had denied the reference for adjudication on the ground of delay & reference has been made only after an order passed by Hon'ble High Court against the order of Government refusing to make reference for adjudication. Countering the above argument it has been argued by the learned representative of the applicant that statement of claim cannot be dismissed on the ground of delay. Reliance has been placed on the case reported in AIR 1999 SC 1351, Ajaib Singh.....Appellant v/s The Sirhind Co-Operative Marketing Cum-processing Service Society Limited and Anr.....Respondent & AIR 2001 SC 2562, Sapan Kumar Pandit.....Appellants v/s U.P. State Electricity Board and Ors...Respondent.

30. In AIR 1999 SC 1351, Ajaib Singh.....Appellant v/s The Sirhind Co-Operative Marketing-Cum-processing Service Society Limited and Anr.....Respondent, it has been held by Hon'ble Supreme Court that provisions of limitation Act, 1963 does not apply to matters relating to industrial disputes hence, relief cannot be denied merely on the ground of delay.

31. In AIR 2001 SC 2562, Sapan Kumar Pandit.....Appellants v/s U.P. State Electricity Board and Ors...Respondent, it has been held by Hon'ble Supreme Court that when Government had chosen to refer dispute for adjudication before the Labour Court then High Court was not justified in quashing the reference on the ground of inordinate delay.

32. From perusal of statement of claim it shall appear that applicant has not given any reason for raising the issue after lapse of a long time. He has also not mentioned clearly the disease which was cause of his suffering. His medical certificates show his ailment only from Jan, 86 but he has not given any reason why dispute was not raised between

Jan, 83 to Dec, 85. He has also not mentioned any information nor has submitted a clear certificate about his fitness to show that when he was relieved of his diseases and ailment. In rejoinder, first time he has taken a plea that delay was due to assurance given by opposite party about appointment. Ground of assurance taken by applicant is false because there is neither such contention in statement of claim nor there is evidence on record in this connection. In the present case of Madanlal the Central Government vide order dated 18.9.97 had refused to refer the dispute for adjudication before the competent Labour Court on the ground that petitioner had not worked for 240 days & the dispute has been raised belatedly without justifiable reasons. The order of Government dated 18.9.97 was set aside by Hon'ble High Court vide order dated 22.2.2006 on the ground that the petitioner Madanlal has satisfactorily explained the delay in raising the dispute before the conciliation officer. The Hon'ble High Court in order dated 22.2.2006 has held as under :-

“Since the petitioner has been able to satisfactorily explain the delay in raising the dispute before the Conciliation Officer, in my opinion, the adjudication could not have been denied to the petitioner in such a casual cursory manner. All such questions in regard to 240 days and even delay can only be decided by a competent court after taking evidence of both the parties and appropriate relief can also be granted by the court concerned.

Accordingly, the writ petition is allowed. The order dated 18.9.1997 is set aside. Respondents No.1 & 2 are directed to refer the dispute in regard to termination of services of the petitioner for adjudication to a competent court within 30 days from the date of receipt of certified copy of this order.”

33. In light of the law laid by Hon'ble Apex Court relating to delay in referring the dispute for adjudication & application of limitation Act, 1963 & in view of the order dated 22.2.2006 passed by Hon'ble Rajasthan High Court, Jaipur Bench I am of the view that contention of the learned representative of the non-applicant is not sustainable that statement of claim is barred on the ground of delay.

34. Based on pleadings of the parties, related evidences produced by the parties on their behalf & on the basis of above discussion I am of the view that action of the management of State Bank of Bikaner & Jaipur in terminating the services of Shri Madan Lal Talwaria is legal and justified. Applicant Sh. Madanlal Talwaria is not entitled to any relief claimed by him. Statement of claim is dismissed. Reference under adjudication is answered accordingly.

35. Award as above.

BHARAT PANDEY, Presiding Officer

नई दिल्ली, 6 जुलाई, 2017

का.आ. 1671.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 70/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.07.2017 को प्राप्त हुआ था।

[सं. एल-41012/28/2013-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th July, 2017

S.O. 1671.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 70/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the industrial dispute between the management of Northern Railway and Jaipur and their workmen, received by the Central Government on 06.07.2017.

[No. L-41012/28/2013-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT : RAKESH KUMAR, Presiding Officer

I.D. No. 70/2013

Ref.No.41012/28/2013-IR(B-I) dated 24.10.2013

BETWEEN :

Sri Dwarika Singh & 02 others

C/o Sri Parvez Alam,

283/63 Kh, Gharhi Kannora (Premwati Nagar)

P.O Manak Nagar, Lucknow(U.P.)

AND

1. The Dy.Chief Material Manager,
Northern Railway
Store Alambagh,
Lucknow,
2. Sr.Material Manager
Northern Railway
Store Alambagh,
Lucknow

AWARD

1 By order No. L-41012/28/2013-IR(B-I) dated 24.10.2013 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Sri Dwarika Singh & 02 others C/o Sri Parvez Alam, Lucknow and the Dy.Chief Material Manager/Sr.Material Manager, Northern Railway, Alambagh, Lucknow for adjudication.

2. The reference under adjudication is:

“WHETHER THE ACTION OF THE MANAGEMENT OF NORTHERN RAILWAY, STORE ALAMBAGH, LUCKNOW REGARDING CANCELLATION OF TRANSFER ORDER DATED 17.10.2013 OF SH. DWARIKA SINGH AND 02 OTHERS IS JUSTIFIED AND VALID? TO WHAT RELIEF THE WORKMEN ARE ENTITLED?”

3. The workmen in their claim statement W-5, have stated in brief that they have been working as Khalasi under the subordination of opposite party, but they were illegally transferred vide order dated 17.10.2012 from the Alambagh Store to the Charbagh Store which is against the Railway Establishment Code Rules, Circulars and violative of Section 9A of the I.D. Act. The petitioners have asserted that they have moved before RLC (C) Lucknow and thereafter in furtherance of the directions given thereby the opposite party has passed an order dated 23.10.2012 to maintain statusquo. Later on during conciliation proceedings, the workmen have joined at the transferred place. It has been stressed that the RLC (C), Lucknow has directed to treat the period w.e.f. 7.11.2012 to 31.1.2013 as on duty and to ensure the payment of the salary for the said period. Workmen have requested to adjudicate the award accordingly. Several documents have been annexed with the claim statement.

4. The management in its written statement M-6, has submitted that the reference is bad in the eyes of law, no alleged order dated 17.10.2012 was ever cancelled by the Railway Administration, rather the five workers were transferred by Dy.CMM, Northern Railway, Alambagh vide order dated 17.10.2012 but three of the workers failed to join the duty and raised the industrial dispute before RLC (C) Lucknow.

5. The opposite party has stated that during the conciliation proceedings the workers joined the duty in the office of Dy.CMM, Northern Railway, Charbagh, Lucknow and started performing their duties at the transferred place. Since the workers failed to submit any application for leave therefore the period of absence was not considered and it was intimated to the RLC (C) Lucknow. However, the period of absence from duty w.e.f. 18.10.2012 to 22.10.2012 was considered and permitted as medical leave according to the application submitted by the workers. The management has stressed that the industrial dispute raised by the unrecognized union does not have any locus standi. The management has prayed to reject the claim statement with special cost. The management has annexed certain documents with its written statement.

6. While replying to the facts mentioned in the written statement, the petitioners have filed rejoinder W-7, reiterating the pleas taken in the claim statement.

7. On behalf of the petitioners, affidavits W-8, W-9, and W-10 have been filed by the workmen. The petitioner Sri Dwarika Singh has been cross examined on behalf of the management. Learned AR for the workmen has endorsed on the order sheet of the court file, on 28.5.2015 that the said matter of the three workmen is quite similar, therefore, after

cross examination of the one workman, further evidence is not required. This endorsement was not opposed by the learned AR of the opposite party as well.

8. The management has adduced Sri P.K. Gupta, SPO(Store) Northern Railway in its evidence, he has been cross examined on behalf of the workmen.

9. Later on the management vide its application M-14 filed three copies of the letter dated 9.10.2015, mentioning therein that the Earned Leave of the workmen pertaining to the alleged period has been sanctioned. The workmen have been warned to remain careful in future and not to repeat such type of conduct.

10. Arguments of both the parties have been heard at length and record has been perused thoroughly.

11. Both the parties have accepted that the three petitioners are employee under the subordination of the opposite party. The workmen were aggrieved with the order pertaining to their transfer from one office to another office. It is also evident from the record that the impugned transfer order was passed on 17.10.2012, while it is wrongly mentioned as 17.10.2013 in the schedule referred by the Govt. of India. During the proceedings of the case the management has filed 3 letters dated 9.10.2015 relating to the petitioner which reflects that the period of absence from duty has been treated as “**Employees on Earned Leave**”. Moreover employees have been advised/warned to remain careful in future. Generally speaking, if no reversion in scale or demotion is derived from an order passed by the management, mere transfer order should not be challenged.

12. Since the grievance of the petitioners have now been redressed, there appears no need to grant any relief to the workmen in the present case.

13. The alleged transfer order passed by the management can not be treated as unjustified or illegal. The three petitioners are not entitled to any relief.

14. Award as above.

LUCKNOW

12.06.2017

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 7 जुलाई, 2017

का.आ. 1672.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91-क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा हिंदुस्तान एंटीबायोटिक्स लिमिटेड, पुणे के कारखानों/स्थापनाओं के नियमित कर्मचारियों को इस अधिनियम के प्रवर्तन से छूट प्रदान करती है। यह छूट, अधिसूचना जारी होने की तारीख से एक वर्ष की अवधि के लिए लागू रहेगी।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है; अर्थात्:-

- (1) पूर्वोक्त स्थापना जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगी, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदनाम दिखाये जायेंगे;
- (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संदत्त अंशदानों के आधार पर हकदार हो जाते हैं;
- (3) छूट प्राप्त अवधि के लिए, यदि कोई अभिदाय पहले ही किए जा चुके हों, तो वे वापस नहीं किए जाएंगे;
- (4) उक्त कारखाने/स्थापना का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने/स्थापना पर उक्त अधिनियम (जिसे इसमें इसके पश्चात उक्त अवधि कहा गया है) प्रवर्तमान था ऐसी विवरणियां, ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी अपेक्षित होती थीं;

- (5) निगम द्वारा उक्त कर्मचारी राज्य बीमा अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी;
- (i) धारा 44 की उप-धारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरण की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ; अथवा
- (ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाअपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या
- (iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या
- (iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं, निम्नलिखित कार्य करने के लिए सशक्त होगा:-
- (क) प्रधान या आसन्न नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है ; अथवा
- (ख) ऐसे प्रधान या आसन्न नियोजक के अधिभोगाधीन, किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या आसन्न नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति को, जो ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में पाया जाए, यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
- (घ) ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की नकल तैयार करना या उद्धरण लेना;
- (ङ) यथानिर्धारित अन्य शक्तियों का प्रयोग करना ।
- (6) विनिवेश/निगमीकरण के मामले में, प्रदत्त छूट स्वतः रद्द हो जाएगी और तब नए प्रतिष्ठान को छूट हेतु समुचित सरकार की अनुमति लेनी होगी।

[सं. एस-38014/15/2013-एस.एस.-I)]

अजय मलिक, अवर सचिव

New Delhi, the 7th July, 2017

S.O. 1672.—In exercise of the power conferred by Section 88 read with Section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby exempts the regular employees of factories/establishments of **Hindustan Antibiotics Ltd., Pune** from the operation of the said Act. The exemption shall be effective for a period of one year from the date of issue of notification.

2. The above exemption is subject to the following conditions namely:-

- (1) The aforesaid establishments wherein the employees are employed shall maintain a register showing the name and designations of the exempted employees’;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refundable;
- (4) The employer of the said factory/establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred as the said period), such returns in such forms and containing such particulars as were due from it in respect of the said period under the Employees’ State Insurance (General) Regulations, 1950;
- (5) Any Social Security Officer appointed by the Corporation under Sub-Section (1) of Section 45 of the said ESI Act or other official of the Corporation authorized in this behalf by it, shall, for the purpose of :-
 - (i) Verifying the particulars contained in any returned submitted under sub-section (1) of section 44 for the said period; or
 - (ii) Ascertaining whether registers and records were maintained as required by the Employees’ State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) Ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) Ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory to be empowered to:
 - (a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of this Act; or
 - (b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
 - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or
 - (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises,
 - (e) exercise such other powers as may be prescribed.
- (6) In case of disinvestment/corporatization, the exemption granted shall become automatically cancelled and then the new entity will have to approach the appropriate Government for exemption.

[No. S-38014/15/2013-SS-I]

AJAY MALIK, Under Secy.

नई दिल्ली, 10 जुलाई, 2017

का.आ. 1673.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 71/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.07.2017 को प्राप्त हुआ था।

[सं. एल-12011/14/2004-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 10th July, 2017

S.O. 1673.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 71/2005) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of Regional Rural Bank and their workmen, received by the Central Government on 10.07.2017.

[No. L-12011/14/2004-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

Reference: No. 71/2005

Employer in relation to the management of Regional Rural Banks

AND

Their workmen

Present: Shri R.K.Saran, Presiding Officer.

Appearances:

For the Employers :
 For SBI Bank : Shri D. K. Verma, . Advocate
 For UCO Bank : Shri H.Ansari, Advocate
 For PNB Bank : Shri Ravi Kumar , Rep.
 For Central Bank : Shri R. Ranjan, Advocate
 For the workman : None
 State : Jharkhand

Industry- Banking

Dated : 05/05/2017

AWARD

By order No. L-12011/14/2004-IR(B-1) dated 27/04/2005, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub –section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the changes made by the management of RRBs in Bihar by introducing Service Regulation (Change of Rules of Superannuation (Clause- 11) Prohibition of joining certain Association etc). strike etc. (Clause 30-36) Pension Scheme (Clause- 68) required a notice under Section 9A of I.D. Act, 1974? 2. If so, whether the changes made there in by the management is appropriate & valid or not? 3. Whether the Officers of RRB should be covered as workmen under the provision of I.D Act? If not, to what relief the member of the Federation are entitled?”

2. After receipt of the reference, both parties are noticed. But none appears on behalf of the Union. Management representative is present. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 10 जुलाई, 2017

का.आ. 1674.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 03/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.07.2017 को प्राप्त हुआ था।

[सं. एल-12025/01/2017-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 10th July, 2017

S.O. 1674.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 03/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 10.07.2017.

[No. L-12025/01/2017-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 21st February, 2017

Reference : (CGITA) No. 03/2013

Shri Ramjilal Bhanwarilal,
C/o Western Railway Kamdar Sangh,
TBZ – 17, Guru Nagar,
Gandhidham,
Kutch (Gujarat)

Presently residing at –

Shri Ramjilal Bhanwarilal,
Village – Gangalbas,
Jilla : Dosa,
Tehsil Dosa (Rajasthan)

...Complainant

V/s

1. The Divisional Railway Manager,
Western Railway,
Ajmer (Rajasthan)
2. The Divisional Railway Manager,
Western Railway,
Ahmedabad (Gujarat)

...Respondent

For the Complainant :

For the Respondent : Shri N.J. Acharya

AWARD

1. This is a complaint moved under Section 33 (A) of Industrial Disputes Act, for declaring the impugned action of terminating the services of the applicant dated 03.12.2011 as illegal, improper and against the mandatory provisions of the Section 33 A of Industrial Disputes Act and also order the first party to reinstate the applicant on his original post with continuity of service with full back wages on the ground that the applicant had been working as permanent employee with the opposite party Divisional Railway Manager, Western Railway. He raised the Industrial Dispute for regularisation as Gangman which was referred and registered as Reference (CGITA) No. 989/2004. He further submitted that he proceeded on sanctioned leave on 15.11.2011 and when he came back to resume his duties on

03.12.2011, he was denied to join/resume the duty verbally informing that his services has been terminated, despite the judgement passed in Jaipur Jilla Bhumi Vikas Limited (Supra) by Supreme Court.

2. The opposite party was issued notice Ex. 3 to appear on 27.12.2013 consequently advocate N.J. Acharya filed his vakalatpatra Ex. 4 on behalf of the opposite party Divisional Railway Manager, Western Railway, Ahmedabad on 27.12.2013. Thereafter, Shri N.J. Acharya was given time to file written statement on 07.02.2014, 19.02.2014, 27.02.2014, 28.03.2014, 24.04.2014, 19.05.2014, 04.07.2014, 15.07.2014, 07.08.2014, 13.08.2014, 27.08.2014, 01.09.2014, 30.09.2014, 15.10.2014, 07.01.2015, 03.04.2015, 31.05.2015, 24.11.2015, 09.03.2016, 29.04.2016, 09.09.2016 and 30.09.2016.

3. Lastly on 30.09.2016, when the opposite party has failed to file written statement, the case was ordered to proceed ex-parte against the opposite party. On 04.10.2016, the applicant/workman filed the affidavit of the applicant Ex. 5 which was also received by the officer, Divisional Railway Manager, Western Railway on 07.10.2016 but on the date fixed that is 06.01.2017, the opposite party did not respond to the affidavit filed by the applicant and did not turn up on 06.01.2017 to cross-examine. Therefore, the case was listed for order to be taken upon 16.02.2017.

4. As the applicant has reiterated the averments made in the statement of claim by way of affidavit Ex. 5 and as it is a settled principals of law that the workman shall be permitted to continue, if he is in continuous service, therefore, in the light of the affidavit Ex. 5, the applicant is fit to be allowed to work in as an employee.

5. The application is allowed accordingly.

6. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 10 जुलाई, 2017

का.आ. 1675.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एन एफ रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 17/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.07.2017 को प्राप्त हुआ था।

[सं. एल-41011/10/2012-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 10th July, 2017

S.O. 1675.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 17/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Guwahati as shown in the Annexure, in the industrial dispute between the management of N.F. Railway and their workmen, received by the Central Government on 10.07.2017.

[No. L-41011/10/2012-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI, ASSAM

Present :

Shri Mrinmoy Kumar Bhattacharjee, M.A., LL.B.
Presiding Officer,
CGIT-cum-Labour Court, Guwahati.

Ref. Case No. 17 of 2012

In the matter of an Industrial Dispute between :-

The Management of N.F. Railway , Maligaon, Guwahati.

-Vrs-

Workman Sri Subhash Sarkar, Head Clerk of Commercial Department.

APPEARANCES :

For the Workman : Mr. M.U. Ahmed, Learned Advocate
Mrs. M. Bora, Learned Advocate

For the Management : Mr. A.K. Nath, Learned Advocate

Date of Award : 24.03.2017

AWARD

1. The present reference arose out of an Industrial Dispute between the workman Sri Subhash Sarkar and the Management of N.F. Railway. According to the Central Government, an Industrial Dispute exists between the employer in relation to the Management of N.F. Railways and their workman in respect of the matters which have been specified in the Schedule as under:

SCHEDULE

“Whether the action of the management of N.F.Railway in deploying Sri Subhash Sarkar, Head Clerk of Commercial Department as cash witness for more than 2 years without providing compensatory leave for working on Saturday is justified? To what relief the workman is entitled?”

2. It has been averred in the claim application, filed by the workman through the Joint General Secretary of Rail Mazdoor Union, N.F.Zone, Pandu, Guwahati, that the workman Sri Subhash Sarkar was engaged/ appointed in a civil post in the Commercial Department of North Eastern Frontier Railway, Maligaon, Guwahati. After his appointment in the office of Chief Claims Officer, N.F.Railway (previous name of the office of Chief Commercial Manager) as an office peon on 9.11.1981, he was promoted to ministerial category, first as Junior Clerk and then as Senior Clerk and then as Head Clerk and at the relevant time he was Office Superintendent. On 13.01.09 he received a spare memo by which he was spared from his existing office to work as Cash witness or Traffic Cash Witness in the Cash Office, N.F.Railway, Maligaon, headed by the Dy. Chief Accounts Officer/Cash & Pay, N.F.Railway Maligaon. On receipt of the aforesaid order, the workman filed an appeal and detailed representation against his deployment as Traffic Cash Witness (in short, TCW). However, the Management did not allow his representation and he was made to perform his duties as TCW. Rejecting the representation of the workman, the Management stated that the workman was spared on administrative ground and therefore, the Master Circular was not applicable in his case. It was also mentioned in the petition that the Chief Commercial Manager, N.F.Railway reported to the General Manager that he had surplus ministerial staff in his office whom he wanted to deploy as Traffic Cash Witness (TCW) in Cash Office, Maligaon in order to better utilize the revenue earning commercial Clerks of Railway stations. The General Manager agreed to the aforesaid proposal. The FA & CAO however raised some objection in such deployment of “Surplus” Ministerial Staff of Commercial Department as Traffic Cash Witness on the ground that such engagement was not in conformity with the provision in paragraph 2460 of Indian Railway Commercial Manual II and the proposal was without the approval of the competent authority. In response to the aforesaid objection, Railway Board vide letter dated 31.10.2008 clarified that the deployment of surplus Ministerial Staff in the job of Traffic Cash Witness was for a limited period and is not objected to. It is also mentioned in the claim statement that without adhering to the directives of the Railway Board to put surplus Ministerial Staff of the Commercial Department in the job of Traffic Cash Witness, Office of Chief Commercial Manager with the knowledge and approval of the General Manager, N.F.Railway deputed five Ministerial Staffs who were not surplus staff of the Office of Chief Commercial Manager and those five Ministerial staffs also included the present workman who was a Head Clerk. It was specifically mentioned in the claim application submitted on behalf of the workman that the deployment of the workman as Traffic Cash Witness was completely in violation of the terms and conditions of the Railway Board’s instruction communicated under letter dated 31.10.2008 (Ext 10). The so called sparing and deployment of the workman as Traffic Cash Witness for a long period of more than 2 years, according to the workman, was not permissible and was punitive/ penal in nature. On such deployment as Traffic Cash Witness the workman was compelled to undergo extensive training for being fit to serve as Traffic Cash Witness. It was also stated that during the course of working as Traffic Cash Witness he had to attend Office on Saturdays and also on one Sunday. It was also mentioned that the various representations, appeals submitted by the workman were dragged by the Management because by engaging the workman as Traffic Cash Witness the Management violated the provision of Master Circular No.22 of the Railway Board. While the matter was brought to the Regional Labour Commissioner at Guwahati, the Management did not pay any heed. The dispute was tried to be amicably settled by the Union but on failure of the conciliation proceeding, the matter was informed to the Ministry of Labour and Employment, Government of India and the Government made the present reference.

3. On receipt of the reference, notices were issued to the workman as well as the Management. Both sides filed their respective written statements. Brief summary of facts and disputes raised by the workmen union have already been narrated in the preceding paragraphs. In their written statement, the Management denied that the workman Shubash Sarkar was harassed and discriminatorily treated in regard to his deployment of TCW. However, the fact that

the workman was spared to work as TCW and that he carried out the order and filed several representations against the order are not in dispute. It was also stated by the Management that the deployment of the staff of the Commercial Branch as Traffic Cash Witness was done on administrative interest to avoid misuse of highly trained commercial staff and such action was taken as per General Manager's order dated 16.09.2008. It was also mentioned that before deploying the workman as Traffic Cash Witness appropriate training was imparted to them. The Management denied the averment of the workman that terms and provisions of paragraph 2460 of the Indian Railway Commercial Manual, Volume-II) was violated in deployment of the workman of the Commercial Branch as Traffic Cash Witness. It was also stated that the appropriate authority to approve such order was the General Manager and the General Manager had approved the deployment of the workman as Traffic Cash Witness. It was stated by the Management that the workman was deployed as Traffic Cash Witness on administrative ground and not on him being a surplus staff. It was also mentioned in the written statement by the Management that considering the less work load of claims branch, ministerial staff from claims office were deployed on temporary basis to work as Traffic Cash Witness to avoid misuse of man power and it was done on administrative interest and it was further mentioned that the Master Circular No.22 mentioned in the appeal of the workman, was not relevant in relation to his transfer. It was also mentioned that because of the aforesaid deployment of the workman as Traffic Cash Witness, his seniority was not adversely affected and the deployment of the workman in cash office was purely an administrative matter without disturbing the designation, cadre, and seniority etc. of the concerned workman. It was also mentioned that since the workman concerned was an Office Superintendent, he was not entitled to CCL. There was no dispute that the post of Head Clerk had been re-designated as Office Superintendent. It was also mentioned that after proper training and its successful completion the workman was engaged as Traffic Cash Witness in terms of Railway Board's letter dated 31.10.08. The Management in his written statement specifically stated that the pay and promotional avenue of the workman was not adversely affected in any manner because of his engagement as Traffic Cash Witness.

4. Having gone through the entire written statement, it appeared that the main plea of the Management, as taken in the written statement, was that the Ministerial staff of the Commercial Branch was posted as Traffic Cash Witness on successful completion of training to avoid wastage of manpower to neutralize excess strength of Ministerial Staff in lieu of field staff who were well trained and it was done for ensuring un-interrupted service and improved revenue generation at station level.

5. The workman also submitted an Additional Claim statement after submission of the Written Statement by the Management. It was mentioned in the Additional Claim Statement that General Manager's order dated 16.09.2008 was misconceived and it was only in response to the proposal of the then Chief Commercial Manager of N.F.Railway for deployment of surplus Ministerial Staff of Commercial Department (Claims) in Cash Office to work as Cash Witness. It was also reiterated that the workman was not declared a surplus staff and that General Manager's order dated 16.9.2008 was meant for those workmen who were declared as surplus staff. It was further mentioned that Railway Board's letter dated 31.10.08 (Ext 10) has allowed deployment of staff as Cash Witness who are surplus Commercial Staff and they should be deployed only for three to six months whereas the workman was deployed as Cash Witness for about more than 2 years which was completely contradictory to the Railway Board's laid down norms. It was also stated that the plea of the Management that the workman and such other similarly situated workmen were deployed as Cash Witnesses for better utilization of the working time of highly trained revenue earning commercial staff, was completely misplaced. It was also mentioned that the lesser work in Claims Branch could not be a ground to deploy the workman as Cash Witness in administrative interest. It was also stated in the Additional Claim petition that the Management failed to compensate even one Sunday on which the workman was compelled to attend training for Cash Witness. It was further stated that the plea of the Management, that by deploying the workman as Traffic Cash Witness the Management had in fact minimized/neutralized the excess strength of Ministerial staff, was totally misplaced. It was also alleged that no rule was followed in arriving at a conclusion that the strength of the Ministerial Staff in Commercial Branch of the N.F.Railway was actually excess. In one of the paragraphs of the Additional Claim petition it was alleged that the workman was just spared from the Claims Office and in doing so the Management had not followed any public Policy and it was done on the approval of the General Manager purposefully to fit the career progression of some in the hierarchy.

6. The workman side examined three witnesses and also proved certain documents. The Management, on the other hand, examined only one witness.

7. Let me now discuss the evidence adduced by the workman side as well as the Management side including the documents brought on record in reference to the context of the claim petition of the workman and the written statement filed by the management side.

8. W.W.1, Sri Subhash Sarkar, the workman deposed that he joined in the Railways in a civil post and at the time when the Industrial Dispute arose he was posted as Head Clerk (re-designated as Office Superintendent) in the Office of Chief Commercial Manager, N.F.Railway, Guwahati. It was also deposed by him that by a sparing memo dated 13.1.09 (Ext 11), he was spared from his original office to work as Cash Witness along with another workman Sri

Mridul Kumar Das. W.W.1 also deposed that he was not a surplus staff as per Railway Rules and hence, as per Rules contained in Circular No.22 of the Railway Board, the workman could not be deployed to work as TCW. A copy of the concerned Master Circular No.22 was exhibited as Exhibit No.1. It was also deposed by the workman W.W.1 that the aforesaid action of the Management aggrieved him and to know about the exact official Rule regarding Ministerial cadre of Commercial Department, he submitted an application to the Public Information Officer under the RTI Act, 2005. A copy of the aforesaid application was exhibited as Exhibit-8. It was also stated that the Trade Union of which the workman is a member represented in the said matter before the Chief Commercial Manager for giving relief to all the Ministerial Staff who were deployed as Traffic Cash Witness or Cash Witness and also requested the Management to release those staff till clarification was received from the Railway Board in terms of a letter written to the concerned Officer of the Railway Board by Financial Advisor and Chief Accounts Officer, N.F.Railway, Maligaon. The Trade Union concerned also took up the matter with the authority. W.W.1 also exhibited a copy of the reply from the Railway Board to the F.A. & C.A.O, N.F.Railway, Guwahati (Ext. 10) regarding the matter wherein it was stated that such deployment of surplus staff from commercial department as Traffic Cash Witness are generally made for a brief period of time like 3 to 6 months. Three issues raised by the workman and his Union are as follows:- (1) workman's engagement as Traffic Cash Witness, without he being a surplus ministerial staff, for a very long period contrary to the period mentioned by the Railway Board and was totally unjustified; (2) because of the engagement of the workman as Traffic Cash Witness he was put to unnecessary new training program including curtailment of his holidays as his original posting was in office where it was a 5 day week with 40 hours of working hours in a week and (3) the workman was also put to the duties of trainee Traffic Cash Witness on a Sunday.

9. During his cross-examination, workman, W.W.1 denied the suggestion of the Management that he was spared from his office on administrative ground and not as a surplus staff. The workman also denied the suggestion of the Management that though the number of working days increased while discharging duties as Traffic Cash Witness, the total number of working hours in a week either remained same or became less. The witness also denied the suggestion of the Management that Supervisory Staff was not entitled to compensatory leave for working on holidays. The witness also stated during cross examination that other cash witnesses who worked with him were paid extra allowances though he was not paid any such allowance.

10. W.W.2, Sri Pradip Kumar Saha, Joint General Secretary, Rail Mazdoor Union, N.F. Zone deposed that the workman Subhash Sarkar joined in the Railways in a civil post and at the time when the Industrial Dispute arose he was posted as Head Clerk (re-designated as Office Superintendent) in the Office of Chief Commercial Manager, N.F.Railway, Guwahati. He also deposed that by a sparing memo dated 13.1.09, workman Subhash Sarkar was spared from his original office to work as Cash Witness along with another workman. The W.W.2 also deposed that the workman was not a surplus staff as per Railway Rules and hence, as per Rules contained in Circular No.22 of the Railway Board, the workman could not be deployed to work as TCW. It was also deposed by W.W.2 that the aforesaid action of the Management caused grievance to the workman. He further deposed that the Railway Board while prescribing plan and method of manpower planning in Indian Railways, have earmarked the ministerial category in various designations as redundant and the Railway Board has formulated rules for deployment of such redundant staff, if necessary.

11. During cross-examination, W.W.2 admitted that no document has been submitted to show that the workman was not a surplus staff. However, from the evidence adduced by the only witness for the Management it was obvious that at the relevant time the workman was not a surplus staff. From the evidence of W.W No.2 it appeared that certain rules and provisions are to be followed by the authority for earmarking the redundant ministerial staff and subsequently making them surplus for deployment.

12. Sri Mridul Kumar Das was examined as W.W.3 and while deposing before this Tribunal he also narrated the facts which has been stated by the W.W.1 in regard to his sparing from the original post and compelling him to work as Traffic Cash Witness for an inordinately long period of about 2 years. He further reiterated the fact that on 13.1.09 while the workman was working as Head Clerk he was suddenly spared under Office Order dated 13.01.2009 to work as Cash Witness or Traffic Cash Witness in the Cash Office of N.F.Railway, Maligaon and the workman was put under the Administrative control of Chief Commercial Manager/Passenger Marketing for discharge of duties as Traffic Cash Witness. WW.3 also deposed that though the workman filed appeal to revoke the sparing order it was neither done nor any reasonable and justified ground was shown to reject the appeal of the workman. It was also stated by the witness that after engagement of the workman as Traffic Cash Witness he was not paid any compensation for the change of his working condition which put him into rigors of a new training course. The witness (W.W.3) also deposed that the workman applied for CCL in lieu of his work as TCW on Saturdays and one Sunday but his prayer was rejected by the CCM/PM. W.W.3 deposed that after engagement of workman as TCW he had to work on Saturdays though in his parent office all Saturdays were holidays and he was not duly compensated for working such extra duty in a week. He also stated that the workman was not a Contract labour and he holds a substantive appointment with definite working conditions and as such, he could not be employed in any other capacity outside his Ministerial grade under the present

Rules and terms. The witness (W.W.3) further deposed that the only surplus Ministerial staff can be deployed as TCW and the workman was not surplus staff and as such he could not be spared and posted as TCW. The witness further deposed that the provision declaring the Ministerial cadre as redundant is not applicable in his case because laid down rules were not followed for such declaration on redundancy. The witness further deposed that the workman is entitled to get due compensation for the harshness meted out to him by the Management.

13. During his cross-examination the W.W.3 denied the suggestion of the management side that staffs deployed as TCW are not entitled to any compensatory leave for working on holidays.

14. The Management side examined one witness who was Assistant Commercial Manager, Coaching, Refund Section, N.F.Railway at the time he deposed before this Tribunal. He claimed to be aware of the facts and circumstances of the case. He deposed that the workman Subash Sarkar had been working as OS in the office of Chief Commercial Manager, Claims Office and on 13.1.2009 he was spared from his office and deployed as Traffic Cash Witness. He also deposed that on 2.5.2012 he was called back to his parent office. He also deposed that though TCW used to work six days in a week, total weekly working hour is 36 hours, that is, less than the weekly working hour of the parent office of the workman.

15. During cross-examination, MW.1 admitted that the workman was not a surplus staff in the office of the Chief Commercial Manager at the time of his sparing. He also admitted that he did not know under what authority the workman was spared and deployed as TCW.

16. On going through the claim petition as well as written statement filed by the workman and the management side and also having considered the evidence adduced by both the sides it transpired that main reason for the grievance of the workman was that because of his deployment as TCW his service condition was adversely affected because as TCW he had to work for 6 days in a week, Saturdays being half working days, whereas, as Head Clerk of Commercial Department he had to work 5 days in a week. Another ground of his grievance was that he was deployed as TCW contrary to the Rules of the Railways in as much as he was not declared as a surplus ministerial staff in his parent branch. On the above two premises, his claim was that the management harassed him and continuously posted him as TCW for inordinately long period of time for about 2 years whereas it is clear from the Master Circular that such deployment could be made at best for 3 to 6 months in case of necessity.

17. The Management, on the other hand, claimed that the sparing of the workman and his subsequent posting as TCW in no way adversely affected the service condition of the workman because though in his original post he used to work 5 days in a week but the cumulative working hours for those 5 days was 40 hours whereas as TCW though he had to work 6 days in a week, the cumulative working hours was less than 40 hours. The Management also claimed that the transfer was made on administrative ground and there is no such rule in Railway which prevents the Management in making such transfer. The Management also claimed that by deploying such workman engaged in claim Section of the Commercial Branch, the Management could meaningfully use the service of highly trained revenue earning workmen on other productive posts which were beneficial to the Department.

18. Let me now briefly discuss whether posting of the workman as Traffic Cash Witness by the management was justified vis-à-vis rules/ practices guiding such deployment.

19. There was no dispute between the parties that during the deployment of the workman Sri Shubash Sarkar as TCW, he was posted in the Commercial Department of N. F. Railway as Head Clerk and his working week was from Monday to Friday with 8 working hours a day. It was also not in dispute that as a TCW his working week was from Monday to Saturday (Saturdays being half working days) though working hours in the entire week was not more than 40 hours. The prime point was whether the deployment of the workman, a Ministerial Staff, as TCW by the Management was justified or not.

20. The workman side emphasized that since the concerned workman was not a surplus staff he could not have been deployed as TCW. In that connection they relied on the Master Circular No.22 of the Railway Board (Ext 1). A letter written by the concerned officer of Railway Board to F.A & CAO, N.F.Railway, Maligaon, Guwahati, in response to his letter, clearly indicated that surplus ministerial staffs can be deployed as TCW for a short period of 3 to 6 months. It was therefore, not in dispute that as per norms followed by the concerned Railway authorities, a ministerial staff can be deployed as TCW if he is shown as a surplus ministerial staff and even then such deployment should not be more than 6 months. In the concluding paragraph of the letter written by the concerned Officer of the Railway Board to FA& CAO it was mentioned that proposed arrangement of deployment of surplus staff of commercial department as TCW may be tried for 3 months and further extension of the proposed arrangement should be considered on the basis of a joint report of FA & CAO & CCM with approval of the General Manager. On perusal of the joint Report, (Exhibit-24), it appeared that it was indicated therein that the system could be extended and surplus Ministerial Staff of the Commercial department can be engaged as TCW. The most pertinent issue therefore, boiled down to one question, that is, whether the workman Subhash Sarkar was a surplus Ministerial Staff at the relevant time. Admittedly, at the relevant time workman Subhash Sarkar was not a surplus ministerial staff. The plea of the Management that the

deployment of the workman was on administrative ground did not appear to be convincing in the light of what transpired from Exhibit-24, which is a Joint Inspection Report prepared by Chief Commercial Manager and FA & CAO of N.F. Railway in regard to the deployment of Ministerial Staff as Traffic Cash Witness. Mere mentioning of the word “administrative ground” in the sparing order does not make it justified.

21. On perusal of the evidence on record it was clear that the workman Subhash Sarkar was not declared as a surplus Ministerial Staff and hence he could not have been, as per rules followed in the Railways, deployed as TCW. His posting/ deployment as TCW for a period of about more than 2 years was thus held to be not justified. It also appeared from various documents proved by the Workman side that when his appeal to review his deployment as TCW was rejected, he sought compensatory leave/ holiday. But it was not granted by the Management. The action of the Management was therefore, not justified at all.

22. However, the concerned Workman has, by this time, retired from service on superannuation as stated during the course of the proceeding. Hence there is no scope for granting any compensatory leave/ holiday to him. The only relief that can be granted to him is a token amount of monetary compensation. Considering the entire facts I quantify the amount to be Rs.10000/- (Rupees Ten thousand only) which according to me shall meet the ends of justice.

23. Accordingly, this reference is disposed of. The management, N.F. Railway is directed to pay an amount of Rs.10000/- (Rupees Ten thousand only) as compensation to the workman Subhash Sarkar.

Send the Award to the Ministry immediately.

Given under my hand and seal of this Tribunal on this 24th day of March, 2017.

MRINMOY KUMAR BHATTACHARJEE, Presiding Officer

नई दिल्ली, 10 जुलाई, 2017

का.आ. 1676.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एन एफ रेलवे के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 21/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.07.2017 को प्राप्त हुआ था।

[सं. एल-41011/21/2012-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 10th July, 2017

S.O. 1676.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Guwahati as shown in the Annexure, in the industrial dispute between the management of N.F. Railway and their workmen, received by the Central Government on 10.07.2017.

[No. L-41011/21/2012-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI, ASSAM

Present :

Shri Mrinmoy Kumar Bhattacharjee, M.A., LL.B.
Presiding Officer,
CGIT-cum-Labour Court, Guwahati.

Ref. Case No. 21 of 2012

In the matter of an Industrial Dispute between :-

The Management of N.F. Railway, Maligaon, Guwahati.

-Vrs-

Workman Sri Mridul Kumar Das, Head Clerk of Commercial Department.

APPEARANCES :

For the Workman : Mr. M.U. Ahmed, Learned Advocate.
Mrs. M. Bora, Learned Advocate.

For the Management : Mr. A.K. Nath, Learned Advocate.

Date of Award : 20.03.2017

AWARD

1. The present reference arose out of an Industrial Dispute between the workman Sri Mridul Kumar Das and the Management of N.F. Railway. According to the Central Government, an Industrial Dispute exists between the employer in relation to the Management of N.F. Railways and their workman in respect of the matters which has been specified in the Schedule as under:

SCHEDULE

“Whether the action of the management of N.F.Railway in deploying Sri Mridul Das, Head Clerk of Commercial Department as cash witness for more than 2 years without providing compensatory leave for working on Saturday is legal and justified? To what relief the workman is entitled?”

2. It has been averred in the claim application filed by the workman through the Joint General Secretary of Rail Mazdoor Union, N.F.Zone, Pandu Guwahati, in brief, is that the workman Sri Mridul Kumar Das was engaged/appointed in a civil post in the Commercial Department of North Eastern Frontier Railway, Maligaon, Guwahati and since his appointment, he was engaged in the substantive post in the office of Chief Commercial Manager/Freight Marketing (CCM/FM in short) of N.F. Railway. At the time of filing of the claim application, the workman was posted as Head Clerk in the concerned Section. On 13.01.09 he received a spare memo by which he was spared from his existing office to work as Cash witness or Traffic Cash Witness in the Cash Office, N.F.Railway, Maligaon, headed by the Dy. Chief Accounts Officer/Cash & Pay, N.F.Railway Maligaon. On receipt of the aforesaid order the workman filed an interim appeal on 15.9.2009 to revoke the order and later, on 19.1.09 he submitted a detailed representation against his deployment as Traffic Cash Witness (in short, TCW). However, the Management did not allow his representation and he was made to perform his duties as TCW. Rejecting the representation of the workman, the Management stated that the workman was spared on administrative ground and therefore, the Master Circular was not applicable in his case. It was also mentioned in the petition that the Chief Commercial Manager, N.F.Railway reported to the General Manager that he had surplus ministerial staff in his office whom he wanted to deploy as Traffic Cash Witness (TCW) in Cash Office, Maligaon in order to better utilize the services of the revenue earning commercial Clerks of Railway stations. The General Manager agreed to the aforesaid proposal. The FA & CAO however raised some objection in such deployment of “Surplus” Ministerial Staff of Commercial Department as Traffic Cash Witness on the ground that such engagement was not in conformity with the provision in paragraph 2460 of Indian Railway Commercial Manual II and the proposal was without the approval of the competent authority. In response to the aforesaid objection, Railway Board vide letter dated 31.10.2008 clarified that the deployment of surplus Ministerial Staff in the job of Traffic Cash Witness is for a limited period and is not objected to. It is also mentioned in the claim application that without adhering to the directives of the Railway Board to put surplus Ministerial Staff of the Commercial Department in the job of Traffic Cash Witness, Office of Chief Commercial Manager with the knowledge and approval of the General Manager, N.F.Railway deputed five Ministerial Staff who were not surplus staff in the Office of Chief Commercial Manager and those five Ministerial staffs also included the present workman who was a Head Clerk. It was specifically mentioned in the claim application submitted on behalf of the workman that the deployment of the workman as Traffic Cash Witness was completely in violation of the terms and conditions of the Railway Board’s instruction communicated under letter dated 31.10.2008 (Annexure-A-8). The so called sparing and deployment of the workman as Traffic Cash Witness for a long period of more than 2 years, according to the workman, was not permissible and was punitive/penal in nature. On such deployment as Traffic Cash Witness the workman was compelled to undergo extensive training for being fit to serve as Traffic Cash Witness. It was also stated that during the course of working as Traffic Cash Witness he had to attend Office on Saturdays and also on one Sunday. It was also mentioned that the various representations, appeals submitted by the workman were dragged by the Management because by engaging the workman as Traffic Cash Witness the Management violated the provision of Master Circular No.22 of the Railway Board. While the matter was brought to the Regional Labour Commissioner at Guwahati, the Management did not pay any heed. The dispute was tried to be amicably settled by the Union but on failure of the conciliation proceeding, the matter was informed to the Ministry of Labour and Employment, Government of India and the Government made the present reference.

3. On receipt of the reference, notices were issued to the workman as well as the Management. Both sides filed their respective written statements. Brief summary of issues and disputes raised by the workmen union have already been narrated in the preceding paragraphs. In their written statement, the Management denied that the workman Mridul

kumar Das was harassed and discriminatorily treated in regard to his deployment as TCW. However, the fact that the workman was spared to work as Traffic cash Witness and that he carried out the order and filed several representations against the order are not in dispute. It was also stated by the Management that the deployment of the staff of the Commercial Branch as Traffic Cash Witness was done on administrative interest to avoid misuse of highly trained commercial staff and such action was taken as per General Manager's order dated 16.09.2008 (Annexure-II). It was also mentioned that before deploying the workman as Traffic Cash Witness appropriate training was imparted to them (Annexure-III). The Management denied the averment of the workman that the terms and provisions of paragraph 2460 of the Indian Railway Commercial Manual, Volume-II (Annexure-IV) was violated in deployment of the workman of the Commercial Branch as Traffic Cash Witness. It was also stated that the appropriate authority to approve such order was the General Manager and the General Manager had approved the deployment of the workman as Traffic Cash Witness. It was stated by the Management that the workman was deployed as Traffic Cash Witness on administrative ground and not being a surplus staff. It was also mentioned in the written statement by the Management that considering the less work load of claims branch, ministerial staff from claims office were deployed on temporary basis to work as Traffic Cash Witness to avoid misuse of man power and it was done on administrative interest and it was further mentioned that the Master Circular No.22 mentioned in the appeal of the workman was not relevant in relation to his transfer. It was also mentioned that because of the aforesaid deployment of the workman as Traffic Cash Witness his seniority was not adversely affected and the deployment of the workman in cash office was purely an administrative matter without disturbing the designation, cadre, and seniority etc. of the concerned workman. It was also mentioned that since the workman concerned was an Office Superintendent, he was not entitled to CCL. There was no dispute that the post of Head Clerk had been re-designated as Office Superintendent. It was also mentioned that after proper training and its successful completion the workman was engaged as Traffic Cash Witness in terms of Railway Board's letter dated 31.10.08. The Management in his written statement specifically stated that the pay and promotional avenue of the workman was not adversely affected in any manner because of his engagement as Traffic Cash Witness.

4. Having gone through the entire written statement, it appeared that the main plea of the Management, as taken in the written statement, was that the Ministerial staff of the Commercial Branch was posted as Traffic Cash Witness on successful completion of training to avoid wastage of manpower to neutralize excess strength of Ministerial Staff in lieu of field staff who were well trained and it was done for ensuring un-interrupted service and improved revenue generation at station level.

5. The workman also submitted an Additional Claim statement after submission of the Written Statement by the Management. It was mentioned in the Additional Claim Statement that General Manager's order dated 16.09.2008 was misconceived and it was only in response to the proposal of the then Chief Commercial Manager of N.F.Railway for deployment of surplus Ministerial Staff of Commercial Department (Claims) in Cash Office to work as Cash Witness. It was also reiterated that the workman was not declared a surplus staff and that General Manager's order dated 16.9.2008 was meant for those workmen who were declared as surplus staff. It was further mentioned that Railway Board's letter dated 31.10.08 (Annexure-VII) has allowed deployment of staff as Cash Witness who are surplus Commercial Staff and they should be deployed only for three to six months whereas the workman was deployed as Cash Witness for about 3 years which was completely contradictory to the Railway Board's laid down norms. It was also stated that the plea of the Management that the workman and such other similarly situated workmen were deployed as Cash Witnesses for better utilization of the working time of highly trained revenue earning commercial staff, was completely misplaced. It was also mentioned that the lesser work in Claims Branch could not be a ground to deploy the workman as Cash Witness in administrative interest. It was also stated in the Additional Claim petition that the Management failed to compensate even one Sunday on which the workman was compelled to attend training for Cash Witness. It was further stated the plea of the Management that by deploying the workman as Traffic Cash Witness the Management had in fact minimized/neutralized the excess strength of Ministerial staff was totally misplaced. It was alleged that no rule was followed in arriving at a conclusion that the strength of the Ministerial Staff in Commercial Branch of the N.F.Railway was actually excess. In one of the paragraphs of the Additional Claim petition it was alleged that the workman was just spared from the Claims Office and in doing so the Management had not followed any public Policy and it was done on the approval of the General Manager purposefully to fit the career progression of some in the hierarchy.

6. The workman side examined two witnesses and also proved certain documents. The Management, on the other hand, examined only one witness and brought on record certain documents.

7. Let me now discuss the evidence adduced by the workman side as well as the Management side including the documents brought on record by them in reference to the context of the claim petition of the workman and the written statement filed by the management side

8. W.W.1, Sri Pradip Kumar Saha, Joint General Secretary, Rail Mazdoor Union, N.F. Zone deposed that the workman Mridul Kumar Das joined in the Railways in a civil post and at the time when the Industrial Dispute arose he was posted as Head Clerk (re-designated as Office Superintendent) in the Office of Chief Commercial Manager,

N.F.Railway, Guwahati. He also deposed that by a sparing memo dated 13.1.09 (Ext 1), workman Mridul Kumar Das was spared from his original office to work as Cash Witness along with another workman Sri Subhash Sarkar. The W.W.1 also deposed that the workman was not a surplus staff as per Railway Rules and hence, as per Rules contained in Circular No.22 of the Railway Board, the workman could not be deployed to work as TCW. A copy of the concerned Master Circular No.22 was exhibited as Exhibit No.2. It was also deposed by W.W.1 that the aforesaid action of the Management caused grievance to the workman and to know about the exact official Rule regarding Ministerial cadre of Commercial Department, one of the workmen submitted an application to the Public Information Officer under the RTI Act, 2005. A copy of the aforesaid application was exhibited as Exhibit-3. It was also stated that the Trade Union of which the workman is a member represented in the said matter before the Chief Commercial Manager for giving relief to all the Ministerial Staff who were deployed as Traffic Cash Witness or Cash Witness and also requested the Management to release those staff till clarification was received from the Railway Board in terms of a letter written to the concerned Officer of the Railway Board by Financial Advisor and Chief Accounts Officer, N.F.Railway, Maligaon. A copy of that letter has been exhibited as Exhibit-4. The Trade Union concerned also took up the matter with the authority. W.W.1 also exhibited a copy of the reply from the Railway Board to the F.A. & C.A.O, N.F.Railway, Guwahati (Ext 6) regarding the matter wherein it was stated that such deployment of staff from commercial staff as Traffic Cash Witness are generally made for a brief period of time like 3 to 6 months. W.W.1 has also exhibited the appeal(Exhibit-7) filed by the workman before the appropriate authority in N.F.Railway for reviewing the sparing order by which he was deployed to work as Cash Witness. W.W.1 has specifically stated that in the policy matter three issues are involved in the matter, namely: (1) workman's engagement as Traffic Cash Witness for a very long period contrary to the period mentioned by the Railway Board in Exhibit-6; (2) because of the engagement of the workman as Traffic Cash Witness he was put to unnecessary new training program including curtailment of his holidays as his original posting was in office where it was a 5 day week with 40 hours of working hours in a week and (3) the workman was also put to the duties of trainee Traffic Cash Witness on the Sunday on 10.5.2009.

9. During cross-examination, W.W.1 denied the suggestion of the Management that workman Mridul kumar Das was spared from his office on administrative ground and not as a surplus staff. When confronted with Exhibit-11, W.W.1 however, admitted that as per Exhibit-11 workman Mridul Kumar Das was spared on administrative ground. The witness also accepted that in Exhibit-11 it was clearly mentioned that in terms of item No.7 of Master Circular No.22 (Ext 2) of Railway Board, the said Circular was not relevant in connection with transfer/sparing order of the workman as Traffic Cash Witness. The W.W.1 however denied the suggestion of the Management that though the number of working days of the workman increased while discharging duties as Traffic Cash Witness, the total number of working hours in a week either remained same or became less. The witness also denied the suggestion of the Management that Supervisory Staff was not entitled to compensatory leave for working on holidays. The witness also denied the Management suggestion that since the workman Mridul Kumar Das was transferred back to his original Section, no grievance of the workman remained and as such, the reference itself is in-fructuous or redundant .

10. The workman Sri Mridul Kumar Das was examined as W.W.2 and while deposing before this Tribunal he also narrated the facts which has already been stated by the W.W.1 in regard to his sparing from the original post and compelling him to work as Traffic Cash Witness for an inordinately long period of time. In examination-in-chief, workman (W.W.2) stated in one place that in the Commercial Department in the N.F.Railway Headquarter he had surety of continuance of service in any Commercial Department Office as Head Clerk which guaranteed him family peace. He further reiterated the fact that on 13.1.09 while he was working as Head Clerk he was suddenly spared under Office Order dated 13.01.2009 (Exhibit-1) to work as Cash Witness or Traffic Cash Witness in the Cash Office of N.F.Railway, Maligaon and he was put under the Administrative control of Chief Commercial Manager/Passenger Marketing for discharge of duties as Traffic Cash Witness. The workman also deposed that though he filed interim appeal and final an appeal on 19.1.09 (Exhibit-8), no satisfactory disposal was made to this appeal filed by him against the sparing order. He also deposed that when Master Circular No.22 of the Railway Board was referred by the workman and his Union while questioning the sparing order, the Management simply stated that the sparing of the workman was not as per Master Circular No.22. It may be mentioned here that the Master Circular No.22 (copy) has been exhibited in this Reference Case by W.W.1 as Exhibit-2. The workman (W.W.2) also deposed that he submitted several appeals against his sparing order but the Management did not dispose of those appeals with reasonable grounds and in terms of the laid down Rules and principles followed by the Department. W.W.2 has also deposed that objecting to his posting as Traffic Cash Witness, FA & CAO, N.F.Railway, Guwahati took up the issue with the Railway Board and claimed that such sparing order was not in conformity with the provision in paragraph 2460 of Indian Railway Commercial Manual, Part II. It was also stated by the witness that after his engagement as Traffic Cash Witness he was not paid any compensation for the change of his working condition which put him into rigors of a new training course. The witness (W.W.2) also deposed that he applied for CCL through his application dated 22.05.09 and 02.09.09 in lieu of his work as TCW on Saturdays and one Sunday but his prayer was rejected by the CCM/PM. The workman (W.W.2) deposed that after his engagement as TCW he was made to work on Saturdays though in his parent office all Saturdays were holidays and he was not duly compensated for working such extra duty in a week. He also stated that he was not a

Contract labour and he holds a substantive appointment with definite working conditions and as such, he could not be employed in any other capacity outside his Ministerial grade under the present Rules and terms. The workman (W.W.2) further deposed that only surplus Ministerial staff can be deployed as TCW and he was not surplus staff and hence he should not be spared and posted as TCW. The workman further deposed that the provision declaring the Ministerial cadre as redundant is not applicable in his case because such declaration on redundancy in any cadre is to be done as per rule provided for the same in Railway Board's D.O. Letter No.E(MPP) 2001/1/85/Pt dated 18.12.2001 issued by Chairman, Railway Board. The witness further deposed that he is entitled to get due compensation for the harshness meted out to him by the Management.

11. During his cross-examination by the Management, he admitted that after receiving the sparing order (Exhibit-1), though he submitted representation but he carried out the order immediately. During further cross-examination the witness also admitted that Exhibit-2(1) is the Circular dated 23.11.1966 regarding Economy in administrative expenditure---Ban on recruitment---creation of additional posts. During cross - examination the workman (W.W.2) admitted that there is no rule of N.F.Railway in existence that Head Clerk can't be spared to work in the office as Cash Witness or Traffic Cash Witness. The witness also admitted during cross-examination that in support of his claim that in any internal transfer the juniors are first affected, he did not submit any documentary proof. The witness however denied the Management suggestion that Master Circular No.22 was not relevant in connection with this transfer and deployment as Traffic Cash Witness. The witness however admitted that it is mentioned in Exhibit-11 that his sparing and transfer and deployment as TCW was on administrative ground. He also admitted that in Ministerial service he used to work 40 hours in a week while in TCW his duty started at 9-40 till sunset. He denied that as TCW he used to work 38 hours in a week. He also admitted that after sixth Pay Commission, the Post of Head Clerk had been renamed as Supervisory Staff. The witness also denied the Management suggestion that since his substantive post was renamed as Supervisory Staff he was not entitled to compensatory leave. The Management suggested to the workman (W.W.2) that as the work load in the Claim Branch was very less, to avoid misuse of manpower such personnel from Claim Office were temporarily deployed in the Administrative interest as Traffic Cash Witness.

12. The Management side examined one witness who was Assistant Commercial Manager, Claims, N.F.Railway. He claimed to be aware of the facts and circumstances of the case. He deposed that the workman Mridul Kumar Das had been working as Head Clerk in the office of Chief Commercial Manager (FM), Maligaon, Guwahati when was transferred as Cash Witness on administrative ground. He also deposed that after the issue of transfer order, the workman preferred an appeal before the Management for reviewing the sparing order and the Management furnished the reply to the workman vide order dated 17.4.09 (Exhibit-A). He further deposed that the working days of the workman as Head Clerk in the office of Chief Commercial Manager (FM), N.F.Railway was 5 days in a week and total working hours was 40 hours but after his transfer as Cash Witness the working days of the workman became 6 days but the working hours was 38 hours which had been mentioned in the Management's letter dated 31.3.2010 (Exhibit-B) which was addressed to Regional Labour Commissioner. The witness also exhibited the correction slip (in two pages) in regard to provision of Rule 1315 A of Indian Railway General Code, Volume-I, issued by Indian Railway Board on 22.2.62 (Exhibit-C). He also quoted the relevant correction by which it was provided that staff who are governed by hours of Employment Regulations are eligible for an "Off" only in lieu of attendance on Sundays and other holidays and who are excluded from hours of Employment Regulations but non supervisory staff can either avail of an "Off" in lieu or claim conveyance charges but the Supervisory staff are neither eligible for "Off" nor for any convenience charge. The witness specifically stated that in view of the aforesaid Circular issued by the Railway Board the workman is not entitled to any relief as claimed in the reference.

13. During cross-examination the MW.1 admitted that five Officers were nominated as Traffic Cash Witness in the Cash office vide Exhibit-19 and out of those five officers, two persons were not found fit in course of their training under the new assignment and therefore they were released from their duties as Traffic Cash Witness and in their place the present workman Sri Mridul Kumar Das and another workman Subhash Sarkar were nominated as Traffic Cash Witnesses. The witness further admitted that in Exhibit-1, that is, the sparing order, it was not mentioned that the present workman and the another workman Subhash Sarkar were nominated as Cash Witness because two other workmen were found not suitable to work as Traffic Cash Witness. The witness also stated during cross examination that there is no clear cut guidelines/policy regarding nomination of the officer to the post of Cash Witness. The witness also admitted that in Exhibit-6 it is specifically mentioned that the cash witnesses are deputed for a short period approximately 3 to 6 months considering the sensitive nature of the work and the witness claimed that concluding paragraph of Exhibit-6 was applied in case of the workman. The witness also stated during cross examination that Exhibit-E is the joint report in regard to engagement of ministerial staff as Traffic Cash Witness. The witness also stated during cross-examination that in terms of Exhibit-E the workmen Mridul Kumar Das and Subhash Sarkar appeared to be surplus staff of Commercial Department since they had been working from 16.9.08 to 20.4.2012. The witness further said that he could not say whether such report (Exhibit-E) was approved by Railway Board or not. The witness however clearly stated that no surplus staff from the Office of the Chief Commercial Manager, Maligaon was nominated and deployed as Traffic Cash Witness. The Management witness No.1 denied the workman suggestion that

since the ministerial cadre is excluded from the operation of hours of Employment Regulation they are entitled to CCL even if they opt as Traffic Cash Witness. The witness also admitted that he did not submit any document to show that a Head Clerk who worked as TCW was not entitled to get any CCL. The witness also failed to show any specific document that due to change of working hours the granting of CCL also changes. The witness however stated that the word "Off" mentioned in Exhibit-C carries the same meaning of CCL. When the witness was asked by the workman side whether the workman's application of CCL dated 27 & 28.5.2009 were allowed by the Management or not, the witness said that he could not reply to the question without going through the relevant record. The Management witness No.1 specifically reiterated during cross-examination that sparing of the workman as Traffic Cash Witness was made in exercise of the administrative discretion of the competent Authority. The witness further admitted that no document was submitted regarding the workload of the Commercial Branch at the time of the sparing of the workman. The witness however categorically denied the suggestion of the workman that at the time of sparing of the workman the Coaching Refund Branch of the Commercial Branch was heavily burdened. The witness also admitted that in pursuance of the Railway letter dated 5.9.2008 (Exhibit-4) the surplus Ministerial Staff of commercial (claims) in lieu of staff of Traffic (Commercial) department was proposed to work as Traffic Cash witness and withdraw Traffic Commercial Staff for other duties. The Management witness No.1 also stated that prior to sparing of the workman as TCW, Goods Clerk, Coaching Clerk, Trains Clerk, Ticket Collectors, ASM, etc. of Traffic Commercial Department had been deputed to work as TCW. MW.1 also admitted during cross-examination that at the time of posting of the workman as TCW, some of the persons who were transferred from Commercial and Operation Departments were also working as TCW. The witness claimed that the purpose of public interest was fulfilled by deputing the staff from Traffic Department as well as from Commercial Department and Ministerial Staff to the post of TCW at the relevant time when the workman had been working as TCW. It was also brought during cross-examination of the MW.1 that in Exhibit-18 page-6, the General Manager in his order dated 16.9.08 mentioned that they could not afford to waste highly trained Commercial Staff for the work of TCW which can be managed by the ministerial staff who are in the redundant category. The witness however stated that he could not say whether the workman was in redundant category within the meaning of order dated 16.9.08 passed by the General Manager. He also stated that he could not say on what basis the General Manager termed the same ministerial staff in redundant category. The witness also stated that he could not say whether the workman was posted as TCW being a junior most employee in the Commercial Department. He also could not say whether the workman himself opted to the post of TCW.

14. On going through the claim petition as well as written statement filed by the workman and the management side and also having considered the evidence adduced by both the sides it transpired that main reason for the grievance of the workman was that because of his deployment as TCW his service condition was adversely affected because as TCW he had to work for 6 days in a week, Saturdays being half working days, whereas as Head Clerk of Commercial Department he had to work 5 days in a week. Another ground of his grievance was that he was deployed as TCW contrary to the Rules of the Railways in as much as he was not declared as a surplus staff in the Commercial Branch. On the above two premises, his claim was that the management harassed him and continuously posted him as TCW for inordinately long period of time for about 3 years whereas it is clear from the Master Circular that such deployment could be made at best for 3 to 6 months in case of necessity.

15. The Management, on the other hand, claimed that the sparing of the workman and his subsequent posting as TCW in no way adversely affected the service condition of the workman because though in his original post he used to work 5 days in a week but the cumulative working hours for those 5 days was 40 hours whereas as TCW though he had to work 6 days in a week the cumulative working hours was less than 40 hours. The Management also claimed that the transfer was made in public interest as well as on administrative interest and there is no such rule in Railway which prevents the Management in making such transfer. The Management also claimed that by deploying such workman engaged in claim Section of the Commercial Branch the Management could meaningfully use the service of highly trained revenue earner workmen on other productive posts which were beneficial to the Department and being beneficial to the department also beneficial to the workmen because the workmen are the part and parcel of the Department.

16. Let me now discuss whether deployment of the workman Sri Mridul Kumar Das, Head Clerk of Commercial Department as Cash witness for more than 2 years without providing compensatory leave for working on Saturday was legal and justified? This is the main issue to be answered in this reference.

17. There was no dispute between the parties that during the deployment of the workman Sri Mridul Kumar Das as TCW, he was posted in the Commercial Department of N. F. Railway as Head Clerk and his working week was from Monday to Friday with 8 working hours a day. It was also not in dispute that as a TCW his working week was from Monday to Saturday (Saturdays being half working days) though working hours in the entire week was not more than 40 hours. The prime point was whether the deployment of the workman, a Ministerial Staff, as TCW by the Management was justified or not.

18. The workman side emphasized that since the concerned workman was not a surplus staff he could not have been deployed as TCW. In that connection they relied on the Master Circular No. 22 of the Railway Board (Ext 2). Ext 4, a letter written by the F.A & CAO, N.F.Railway, Maligaon, Guwahati and Ext 6, another letter written by the concerned Officer of the Railway Board were also relied upon by the workman side in support of their contention. The management, on the other hand, contended that the deployment of the workman as TCW was done on administrative ground. It was also stated by the MW 1 that five Ministerial staffs were nominated for deployment as TCW but two of them were found to be not fit and thereafter the workman Mridul Kumar Das and another workman Subhash Srakar were deployed as TCW. But during cross examination the MW 1 admitted that in Ext 6 it was specifically mentioned that the Cash Witnesses are deputed for a short period like 3 to 6 months considering the sensitive nature of the work. The witness also reiterated that the workman was not a surplus ministerial staff and his transfer was done in administrative interest. A combined reading of Ext 4, 6 (proved by the workman side) and Ext E (proved by the management side), the following clearly transpired. In Ext 4, a letter written by the F.A & CAO, N.F Railway to the Executive Director (Accounts), Ministry of Railways, it was stated that the proposal of the Commercial Department to depute surplus Ministerial Staff of Commercial (Claims) as TCW in lieu of staff of Traffic (Commercial) was not permissible in view of certain provision of the Railway Board's Manual. In response to Ext 4, Director Finance (CCA), Railway Board wrote a letter (Ext 6). It was mentioned in Ext 6 that Cash witnesses are deputed for a short period of 3 to 6 months considering the sensitive nature of the work and there should be no objection for deployment of surplus staff of commercial department for such short term arrangement provided they are adequately trained. In the concluding paragraph of the Ext 6 it was mentioned that proposed arrangement of deployment of surplus staff of commercial department as TCW may be tried for 3 months and further extension of the proposed arrangement should be considered on the basis of a joint report of FA & CAO & CCM with approval of the General Manager. From the above it categorically transpired that deployment of Ministerial staff as Cash Witness would be permissible once the workman is a surplus Ministerial staff. On careful perusal of Exhibit-6, it appeared that such arrangement of deployment of Traffic Cash Witness should be admittedly restricted from 3 to 6 months and the question of extension of the tenure of such workman as Cash Witness can be considered only on the basis of Joint Report of the FA & CAO and CCM indicating satisfactory working of the new arrangement with the approval of the General Manager. On perusal of the joint Report, (Exhibit-E) it appeared that it was indicated therein that the system could be extended and surplus Ministerial Staff of the Commercial department can be engaged as TCW. The most pertinent issue therefore, boiled down to one question, that is, whether the workman Mridul Kumar Das was a surplus Ministerial Staff at the relevant time. During cross examination the only witness examined by the Management stated that no surplus staff from CCM, Maligaon was nominated to the post of TCW. Admittedly, workman Mridul Kumar Das was not a surplus Ministerial Staff at the time of his deployment as TCW. The M.M No.1 also admitted that the workman was deployed as TCW on administrative ground and not on him being a surplus staff. The plea of the Management that the deployment of the workman was on administrative ground did not appear to be convincing in the light of what transpired from Exhibit-E, which is a Joint Inspection Report prepared by Chief Commercial Manager and FA & CAO of N.F.Railway in regard to the deployment of Ministerial Staff as Traffic Cash Witness. Mere mentioning of the word "administrative ground" in the sparing order does not make it justified particularly when for such deployment of Ministerial Staff as TCW was to be done in the light of the situation/terms mentioned in Ext 4, 6 & E.

19. On careful perusal of the evidence adduced by MW.1 it appeared that at one point he stated that in terms of Exhibit-E the workman Mridul Kumar Das and Subhash Sarkar appeared to be surplus Ministerial Staff of Commercial Department but in the same breadth he also stated that no surplus staff from CCM, Maligaon was nominated for the post of Traffic Cash Witness. It is clear from the materials brought during the proceeding that the workman Mridul Kumar Das was not declared as a surplus Ministerial Staff and hence he could not have been, as per rules followed in the Railways, deployed as TCW. The management, therefore, appeared to have not followed the rules framed in that regard. His posting/ deployment as TCW for a period of about more than 2 years was thus held to be not justified. There is also nothing on record to show that his original post was redundant. It also appeared from various documents proved by the Workman side that when his appeal to review his deployment as TCW was rejected, he sought compensatory leave/ holiday. But it was not granted by the Management. The action of the Management was therefore, not justified at all.

20. However, the concerned Workman has, by this time, retired from service on superannuation as stated during the course of the proceeding. Hence there is no scope for granting any compensatory leave/ holiday to him. The only relief that can be granted to him is a token amount of monetary compensation. Considering the entire facts, I quantify the amount to be Rs.10000/- (Rupees Ten thousand only) which according to me shall meet the ends of justice.

21. Accordingly, this reference is disposed of. The management, N.F.Railway, Maligaon, Guwahati is directed to pay an amount of Rs.10000/- (Rupees Ten thousand only) as compensation to the workman.

Send the Award to the Ministry immediately.

Given under my hand and seal of this Tribunal on this 20th day of March, 2017.

MRINMOY KUMAR BHATTACHARJEE, Presiding Officer

नई दिल्ली, 10 जुलाई, 2017

का.आ. 1677.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बंगलोर के पंचाट (संदर्भ संख्या 05/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.07.2017 को प्राप्त हुआ था।

[सं. एल-12012/224/98-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 10th July, 2017

S.O. 1677.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 05/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 10.07.2017.

[No. L-12012/224/98-IR (B-I)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

DATED : 16th JUNE, 2017

PRESENT : Shri V. S. RAVI, Presiding Officer

C R No. 05/1999

I Party

Sh. Santharam V. Naik,
C/o T.K.Aigal,
Near Venkataramana Temple,
Ankola – 581314

(Represented by : I Party in Person)

II Party

The General Manager,
State Bank of India,
St. Marks Road,
Bangalore

(Represented by V. A. Byatnal, Advocate)

AWARD

1. The Central Government vide Order No.L-12012/224/98/IR(B-I) dated 07.01.1999 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Dispute act, 1947 has made this reference for adjudication with following Schedule :

SCHEDULE

“Whether the action of the management of State Bank of India in dismissing the services of Shri Shantharam V. Naik, Head Clerk the disputed workman is legal and justified and whether the enquiry conducted by the management of State Bank of India is proper and in accordance with the principles of natural justice? If not, to what relief Shri Shantharam V. Naik is entitled to?”

2. Brief details mentioned in the claim statement are as follows:-

The I Party states that, on 24.11.1980, I Party joined the service of the II Party Management and he continued to work in different branches of the II Party, till his services came to be dismissed with effect from 12.07.1997. Further, the I Party states that, before terminating from the services, a charge sheet bearing No. DIS/CON/420 dated 27.01.1995 has been issued to him and in the said charge sheet, 3 charges have been framed against him, alleging misappropriation of money. In the enquiry, the I Party has been totally denied of all the opportunity to defend himself. Further, in order to elicit certain answers from the mouth of the investigation on various points, he has requested for the report and it has not been made available to I Party. Further, it is submitted that, the findings given by the Enquiry Officer is totally perverse and there is no discussion of evidence and the said finding cannot be sustained. The I Party states that, after the dismissal of the I Party workman, he is unemployed and he has a large family to maintain and he is finding it extremely difficult to maintain himself and the members of the family. Therefore, the I Party/workman prays this Court may be pleased to hold that the termination of the services of the I

Party/Workman by the II Party/Management is illegal and allow/answer the reference in favour of I Party and direct the II Party to reinstate the I Party into his original post with full back wages, continuity of services and grant him consequential benefits like seniority, promotion, increments as if he had not been terminated from service and to grant the costs of this proceedings to meet the ends of justice.

3. Brief details mentioned in the counter statement are as follows:-

The II Party states that, the I Party indulged in fraud and misappropriation of the funds of an account holder. The I Party committed forgery of signature of a depositor on a term deposit receipt and encashed it himself. Further, the II Party states that, the I Party having committed such serious misconduct has to be proceeded departmentally and the enquiry has been held in accordance with the procedure, as laid down by the Bank. Further, the representative of the I Party has cross examined the witnesses of the II Party during the enquiry and the principles of natural justice has been strictly followed in the conduct of the enquiry. Further, the II Party states that, non-production of copy of the Investigation Report to the I Party during the enquiry proceedings has not prejudiced his case, nor is there any legal compulsion that the II Party should furnish to I Party a copy of the Investigation Report and the same has not caused any injustice to the I Party. Further, the findings of the Enquiry Officer are not perverse, for the reasons stated above. Further, it is submitted that, the punishment of Dismissal from service imposed by the Disciplinary Authority has been modified to 'Discharge from service' by the Appellate Authority. Further, the public faith in the Banking Institution will be seriously hampered if the I Party is taken back into service and this will result in grave injustice to the II Party. Therefore, the II Party prays to reject the reference in the interest of justice and equity.

4. The crucial point/issue that arises for consideration in the present matter is:-

“Whether the action of termination from service taken by the Management/II Party as against the I Party/Workman is legal and justified and also in accordance with principles of natural justice? If not, to what relief the I Party is entitled to get?”

5. Analysis, Discussion Findings with regard to the above mentioned point:-

This Court has gone through the claim statement, counter statements, evidences, documents and written arguments filed, and also, based upon the materials on record, the following details emerge from the records filed by both the parties.

Sl.No	Dates	Events
1.	24.11.1980	I Party joined as Clerk-Cum-Cashier
2.	27.01.1995	Charge Sheet in DIS/COW/073/95-96 issued
3.	12.07.1997	Dismissal Order passed
4.	11.06.2004	In the order on domestic enquiry, it is held that the domestic enquiry is not fair and proper.
5.	11.08.2010	I.A is filed again by the I Party to permit him to inspect seven documents mentioned in the list.
6.	24.08.2011 and 19.10.2011 and 28.12.2011	II Party prayed time to produce the documents and finally submitted through Memo, that the documents are not traceable
7.	22.02.2012 and 24.05.2012 and 31.07.2012	MW-2, II Party has disposed without making arrangement for supply of documents requested by I Party.

Further, in the Amended Charge Sheet, it is specifically pointed out by the Disciplinary Authority that, before handing over the Charge Sheet, to the employee the Chief Manager should ensure by thorough verification of the records at the branch that all the particulars mentioned therein are correct and proper in all respects and the same is very important, as the allegation are construed as the gross misconduct under section 521-4(J) of Sastry Award by the II Party.

6. Further, the allegation made by the II Party as against the I Party/Workman is that, while working at Karwar branch, the I Party fraudulently encashed the term deposit by identifying and forging the signature of the depositor on the reverse of the said Term Deposit Receipt. Also, the I Party discounted a cheque No. 125523 at Karwar branch on 12.01.1994 for Rs. 22,500/- drawn on Hirekerur branch. Thus, the I Party has fraudulently increased the balance in his S.B. Account by Rs. 13,000/- without actually affording the credit. Further, the II Party has pointed out that, all the above acts committed by I Party are very serious and grave in nature, warranting disciplinary action. Hence, it is found that serious charges have been alleged as against the I Party. However, the I Party has categorically denied the said charges and hence, the I Party has prayed for reinstatement with full back wages and continuity of service and all consequential benefits. It is pertinent to point out that, the I Party has filed I.A. dated 11.08.2010, for the inspection of the documents mentioned in the said application and the said I.A. has been allowed on 29.04.2011 by this Tribunal by directing the II Party to allow the I Party inspect the documents. However, a memo has been filed as per Ex W-4 on behalf of II Party dated 28.12.2011 by stating as follows:- "That the documents called for by the I Party, the II Party is not in a position to trace out the same, and to produce the same." On that ground only I Party, has specifically submitted that the I Party is unable to defend the case effectively for want of the above mentioned relevant document.

7. Further, the MW-2, namely, the Chief Manager of II Party/Bank has also admitted that, even after diligent search of the office records to submit the documents called for by the I Party, the II Party is unable to trace out and produce the same. Further, MW-2, has stated 2 confession statements have been given by I Party, one on the date of 03.09.1994, and another confession letter dated 05.09.1994. However, on perusal of said confession marked as Ex M-1, it is seen that, it is not the confession statements and they are only letters and I Party has categorically stated that, the said letters have been obtained by the II Party, under coercion, inducement and threat and he has not given the said letters, voluntarily. Further, the II Party has also not established about the said confession statements in an acceptable and convincing manner, and also, in accordance with law. Further, MW-2, has clearly admitted in his evidence that he cannot say who is the signatory of the passing officer of Ex M-9, namely, the Telegraphic Transfer Scroll to SBI Karwar in favour of Shri. Prakash Dulbe Gaonkar, dated 26.08.1994. Further, the Chief Manager of II Party has admitted that he is not aware as to whether the said Shri. Prakash Dulbe Gaonkar has given any complaint to the Bank for not receiving the amount under Ex M-9. Further, WW-1 namely the I Party has also stated that, there is no complaint from the said Shri. Prakash Dulbe Gaonkar to the effect that he has not received the maturity amount for the term deposit receipt and in fact, the said Shri. Prakash Dulbe Gaonkar, has written letters dated 16.02.1995 to Branch Manager, SBI, Karwar to the effect that the amounts being the process for the term deposit receipt has been received and also stated that he has no claim regarding the said term deposit receipt. In such circumstances only I Party has clearly stated in his evidence that, it is not correct to say that he has forged the signature of the beneficiary and used the funds and thus, he has denied the charges made against him, based upon the above mentioned relevant records.

8. Further, WW-1 has clearly stated in his evidence on 17.01.1994 and also on 18.01.1994 he has acted in higher capacities and not acted as head clerk on those 2 days and Smt. S.B. Kalyani, a sub-ordinate staff has made entries in despatch register and also, the WW-1, namely I Party has denied the suggestion the he has surreptitiously removed the Cheque No. 059905 for Rs. 16,000/- discounted by him and retained the same with him and I Party has also clearly denied that he is not subscribed his initial in Schedule No. 5 book on 27.01.1994 against the above said D.D.P item. Further, I Party has requested the II Party to supply the despatch register for 15.01.1994 to 31.01.1994 and 30.05.1994 to 15.06.1994 and DD Purchase (Staff) Register of 17.01.1994 and Br.Clg.Schedule No.5 register of 17.01.1994 through his letters dated 04.06.2012 and 04.07.2012 by RPAD as per Exhibits W1 to W3 and the I Party has clearly pointed out that, he is yet to receive the reply from the II Party. The II Party has not disputed the said statements and on other hand, the II Party has filed a memo, as per Ex W-4, to the effect, that the II Party is not in a position to trace out the documents requested by the I Party and produce the same. Further, in his evidence I Party has pointed out that, he has not removed the Letter No. BR/94,95/13 dated 04.06.1994 and thereby he has also not disturbed Inter-Branch Reconciliation process, in order to fraudulently enjoy the Bank funds.

9. Further, MW-2 has categorically admitted in his evidence that the signature appearing on Ex W-1(a) namely signature obtained for deposits made in respect of Bank Deposit and Ex M-9 namely voucher for Telegraphic Transfer to SBI Karwar in favour of Shri. Prakash Dulbe Gaonkar dated 26.09.1994 are not of the same person. It is surprising that even though the signature is not of the one and same person, the II Party/Bank has acted upon the said records. Further, MW-2 has stated in his evidence that he cannot now say as to who is the signatory of the passing officer on Ex M-9. Further, MW-2 has admitted that based upon the extract of the record produced as Ex M-8, he has to verify as to whether further amount is available in the Bank and he has to verify as to whether the I Party has given OL 124596 dated 09.08.1994 to the II Party and the same has not been reflected in SB Account and he has also to verify as to

whether the amount has been credited to sundry deposit account, and it is true to suggest that, the vouchers will be entered in Telegraphic Transfer issue register. In such circumstances only, it is clear that II Party has failed to establish that I Party has committed the allegations made against him, based upon material records. Further, MW-2 has admitted that, it is true to suggest that on the plain reading of Ex M-10 it cannot be made out that it has been telegraphically sent, and he cannot say without verification as to whether it has been credited at Karwar Branch, and he cannot right now name the officer who has received at Hirekarur Branch and there may be entry in the inward register of that branch. However, to establish the said pertinent details also the MW-2 has failed to produce the relevant records to accept the evidence of MW-2 regarding alleged misconduct committed by I Party.

10. Further, the I Party has stated in his evidence dated 27.04.2013 that in the course of enquiry he has sought for the original of term deposit receipt no. 381653, face value of Rs. 12,518/- dated 13.04.1992 in favour of Shri.Prakash Dulbe Gaonkar and I Party has written 2 letters to Assistant General Manager, of II Party, but they have not supplied the copies of the records to the I Party. In fact, the memo has been filed on behalf of II Party, to the effect that they are unable to trace the document and produce the same as prayed for by the I Party from the II Party. Further, the I Party has pointed out in his evidence that the Branch Manager of SBI Hirekarur has admitted that initial against the balance is not the initial of the I Party. Further, I Party has pertinently pointed out in the affidavit that he asked for the Telegraphic Transfer issue register wherein the transaction of the Telegraphic Transfer are to be entered by filling an interlocutory application and this Court has allowed his application and also permitted the I Party to inspect the documents and for that only II Party has filed the said memo to the effect that, they are unable to trace the documents. Once again the I Party has requested the II Party to make available the correspondence details of sundry deposit and suspense account register, to defend his case, effectively. However, the II Party has failed to make available the said documents and there by denied the I Party to conduct the case, effectively. Further, the II Party has not furnished any acceptable and sufficient explanations, for not producing the said relevant records.

11. Further, the I Party has clearly stated in the affidavit that his fundamental rights are denied as the documents prayed for by the I Party, have not been supplied to him by II Party and hence, the I Party is unable to effectively defend his case and also to cross-examine the II Party witness, in the proper manner. Further, in the light of the memo dated 28.12.2011 filed by the II Party as per Ex W-4 to the effect that, the II Party is unable to trace the documents and produce the same, this Tribunal is constrained to accept the submission made by the I Party. Further, in the deposition the I Party has explained that he has only introduced Shri.Prakash Dulbe Gaonkar while opening account and at the time of passing the TDR for payment on request of paying officer, I Party has identified his signature and he has specifically denied the suggestion that, he has misappropriated Rs. 13,000/- as shown in Ex M-7. Further, I Party specifically denied the suggestion that he has forged signature of Shri.Prakash Dulbe Gaonkar on TDR. Still the II Party has failed to prove the serious misconduct of forgery committed by the I Party. Further, MW-2, the Chief Manager, has stated in his affidavit dated 22.02.2012 that the I Party while working in Karwar Branch has fraudulently encashed the Term Deposit belonging to one of the depositor namely Shri.Prakash Dulbe Gaonkar by identifying and forging the signature of the depositor on the reverse of the said Term Deposit receipt and the said signature does not tally with one, on the account opening form. If that is the factual position, then, the II Party officials should not have permitted for the encashment of the said term deposit. Hence, it is clear that, the evidence of MW-2 is self contradictory.

12. Further, the Chief Manager namely MW-2, has stated that I Party has committed fraud by discounting a cheque at Karwar branch dated 12.01.1994 and I Party has surreptitiously removed the cheque and discounted it and retained the same with him and I Party has retained the said letter dated 06.06.1994. However, the said statement made by MW-2 also have not been established by the chief manager by producing relevant records and evidence in accordance with law. Though the II Party has alleged serious charges as against the I Party, the MW-2 chief manager has admitted that after diligent search of the office records to submit the documents called for by the I Party, he is unable to produce the said documents. Further, MW-2 has admitted that, the extract of account has been produced and he has to verify regarding further action taken and the record is available in the bank and he has to verify as to whether the amount has been credited to sundry deposit account. Hence, on a careful scrutiny of evidence and also the documents filed on behalf of II Party it is seen that II Party has not proved the serious allegation made against I Party as per the Principles of Preponderance of Probability. Further, the Enquiry Officer in his report dated 27.08.1996 has pointed out the charges framed as against the I Party are proved. However, it is seen that, the alleged fraudulent credit entry and the fraudulent act of gross misconduct and also, the allegation that, the I Party has got some monetary benefits based upon the said TDR, are not established as per the Principles of Preponderance of Probability and also, on the careful scrutiny of materials on record it is clear that there is perversity in the findings of the Enquiry Officer, for the above mentioned various reasons.

13. Further, it is clearly stated in the Amended charge sheet dated 20.07.1995 by the Manager, Disciplinary Proceedings Section of II Party that the Chief Manager should ensure by thorough verification of records at the branch that all particulars mentioned in the charge sheet are correct and proper in all respects and this is very important.

However, as per Ex W-4, a memo has been filed dated 28.12.2011 to the effect that, II Party is unable to trace the documents and produce the same. Further, in the charge sheet, it is pointed out that the I Party has committed the said very serious and grave offence. However, the same has not been proved by the II Party as per the Principles of Preponderance of Probability, for the above mentioned reasons. Further, on 27.01.1995 itself, the I Party has denied all the charges levelled against him. Further, in the Enquiry Proceedings dated 15.12.1995, 2 documents namely, certified copies of TDR No. 318653 and the related A/c Opening form have been marked as P-Ex-1 and P-Ex-2 and at that time itself, the defence representative for I Party herein has raised the objection that they are not original and they are in blue sheets and also requested the Enquiry Officer to direct the Presenting Officer to produce the original documents. However, on behalf of II Party, a memo has been filed dated 28.12.2011, by stating that, they are unable to trace the documents, and produce the same. Further, it is pointed out in the written brief submitted on behalf of I Party herein, to the Enquiry Officer dated 27.01.1995 that investigation officer's report has been refused to be supplied to the I Party and the non-production of Investigation Officer's report is against the principles of natural justice and also prejudicial to the interest of I Party herein. In spite, of the said objection, II Party has not filed the material records relied upon, on behalf of II Party, to make the said serious allegation as against the I Party.

14. Further, in the judgment reported in 1998 LLR 1009, Karnataka High Court in W.P No. 32591/1997, dated 18.02.1998, (Before Mr. Justice G. Patri Basavana), in the case of Triton Values, Ltd. Mysore Vs Laobur Court Mysore, and Anothers, it is held as follows:- "Non-production of the relevant documents resulted into prejudice to the charge-sheeted workman for his defence – Enquiry – Whether proper and valid? No." Also, in the judgment reported in 2011 (5) KCCR 4130, Karnataka High Court in Civil Revision Petition No. 259/2011, dated 30.09.2011, (Before Mr. Justice Jawad Rahim), in the case of Ravi Kumar Vs Ananthram Singh, it is held as follows:- "Adverse influence – When a party is given opportunity to place certain material and if he/she fails to do so – Could be drawn." Also, in the judgment reported in 2006 (6) Kar.L.J. 696, in the High Court of Karnataka, dated 22.09.2006, (Before Mr. Justice Anand Byrareddy), in the case of V.V. Kamath Vs The Assistant General Manager, Bank of Baroda, Bangalore and others, it is held as follows:- "Charges based on findings recorded in annual inspection report of Branch – Vague charges and general statements without specifying nature of irregularity and particular instances of it – will amount to delinquent being condemned, unheard ." Further, in the judgment reported in 2011 (1) SN 18 (DE), Karnataka High Court in W.A No. 3074/2005, dated 28.07.2008, (Before Mr. Justice V. Gopala Gowda and Mr. Justice Arali Nagaraj), in the case of Shaikh Dawood Vs Divisional Controller, KSRTC., Raichur, it is held as follows:- "Rules of evidence in domestic enquiry – applicability of, - whether the rules of evidence are applicable, in the case of domestic inquiry? – Held yes- Though the domestic Tribunals are not bound by the Technical Rules about evidence contained in the Act, it has nowhere been laid down, that substantive Rules which would form part of Principles of Natural Justice, can be ignored by the Domestic Tribunals."

15. Also, in the judgment of the Hon'ble Supreme Court of India in C.A No. 2469/1982, dated 30.07.1998, (Before Mr. Justice S. Saghir Ahmad and Mr. Justice G.B. Pattanaik), in the case of State of Uttar Pradesh Vs Shatrughan Lal, it is held as follows:- "Admittedly, copies of the documents specified in the charge-sheet were not supplied to the respondents. The copies of those statements though asked for by the respondent, were not supplied to him. Since, there was a failure on the part of the appellant in this regard too, the Tribunal was justified in coming to the conclusion that the principles of natural justice were violated and the respondent was not afforded an effective opportunity of hearing." In the present case also, it is seen that, the II Party has not produced material and relevant documents to the I Party, though asked for by the I Party by RPAD notice and thus, I Party has been denied the effective chance to defend his case, and also, principle of natural justice is violated. Further, in the judgment reported in AIR 2004 Supreme Court 4271 in C.A No. 9610/2003, dated 12.08.2004, (Before Mr. Justice S.N. Variava and Mr. Justice Arijit Pasayat), in the case of Delhi Transport Corporation Vs Shyam Lal, it is held as follows:- "Effect of admission of guilt should be considered in proper perspective." In the present case also, though II Party has stated that confession statement has been given by I Party admitting the guilt the same has not been proved as per the principles of law.

16. Also, in the judgment reported in 2009 (5) Kar.L.J. 634, in the High Court of Karnataka, dated 25.09.2008, (Before Mr. Justice P.D. Dinakaran, Mr. Justice C.J and Mr. Justice Mohan Shantanagoudar), in the case of Hindustan Petroleum Corporation Ltd., Mumbai Vs V.N. Srinivasa Reddy and others, it is held as follows:- "In the light of the fact that the very letters given by the workmen are now sought to be denied on the ground that they were obtained by the management by playing fraud and by coercion, these cannot be made the basis for retrenchment of the workmen and if the management wanted to proceed against them for the alleged misconduct, the only course open to them was to follow the procedure laid down in the Industrial Disputes Act, 1947, establish the misconduct and then proceed to impose punishment. We are supported by the decision of the Apex Court in the case of Gayatri Devi and Others Vs Shashi Pal wherein it is held that as a general proposition, the proposition that fraud unravels everything is right, but fraud must necessarily be pleaded and proved." In the present case also, it is seen that, the II Party has not pleaded and also proved the misconduct committed by the I Party, as per the principle of natural justice, fairness and reasonableness.

17. Also, in the judgment reported in 2005 (2) Kar.L.J. 47, in the High Court of Karnataka, dated 04.01.2005, (Before Mr. Justice H.L. Dattu), in the case of D. Muralidhar Vs Central Bank of India, Hyderabad, it is held as follows:- “In departmental enquiries although rules of evidence and procedure by Civil Court not strictly applicable, in cases involving serious charges with consequences as grave as dismissal, standard of fairness and reasonable by Civil Court will apply to meet ends of justice.” Further, in the judgment reported in High Court of Karnataka, in W.A No. 7997/1999, dated 16.04.2004, (Before Mr. Justice S.R. Nayak, Mr. Justice K. Ramanna), in the case of Venkatesh Gururao Kuratti Vs Syndicate Bank, Rep by Chairman and Managing Director, it is held as follows:- “The Disciplinary Authority, in this case, has utterly failed to discharge the burden cast on it to show that non-supply of documents required by the delinquent did not cause any prejudice. Since the documents which are not supplied to the appellant are relevant materials, we hold that non-supply of those documents has resulted in prejudice to the delinquent in defending himself.” Also, in the judgment reported in 2011 LAB.I.C. 2838 Allahabad High Court, in W.P. No. 1608/2008, dated 25.01.2011, (Before Mr. Justice Devi Prasad Singh and Mr. Justice Anil Kumar), in the case of Dharam Raj Singh Vs State of U.P and others, it is held as follows:- “Once the delinquent employee himself well in time raised a plea that he shall be prejudiced in case he is not provided an opportunity to cross examine the evidence or lead evidence in defence, then in such situation, the denial of principle of natural justice shall cause prejudice and cannot be defended under the colour of principle of no prejudice.” In the present case also at the earliest point of time itself, I Party has requested for the copies documents and also, for the perusal of the original and the same has not been considered in the proper prospective, by the II Party.

18. Further, in the judgment reported in 2009 (2) Supreme Court 197 in C.A No. 4418/2004, dated 20.05.2009, (Before Mr. Justice M.K. Sharma and Mr. Justice B.S. Chauhan), in the case of Union of India and another Vs Ex. Major Sudershan Gupta, it is held as follows:- “The legality and the validity of the order of convening the General Court Martial cannot now be decided in the absence of the records which the appellant is required to produce before us. We, therefore, find no merit in this appeal which is accordingly dismissed leaving the parties to bear their own costs.” In the present case also, it is found that the II Party has not produced the material records to I Party. Also, in the judgment reported in 2003 (1) KCCR SN 43 Karnataka High Court in W.P No. 11242/1996, dated 24.10.2002, (Before Mr. Justice V. Gopala Gowda), in the case of G.V. Aswathnarayan Vs Zonal Manager and Appellate Authority, Central Bank of India and others, it is held as follows:- “Denial of such opportunity amounts to violation of statutory provision of discipline, conduct regulations and principles of Natural justice. Adverse inference has to be drawn against the bank for non-furnishing of report on vague grounds such as ‘preferred document’ more so when report clearly pointed out irregularities by petitioner during relevant time. Withholding such documents, illegal and non-furnishing such report caused prejudice to the petitioner resulting in the petitioner not defending his case effectively.” In the present case also, it is seen that the II Party has failed to prove the misconduct committed by the I Party, as per the principles of preponderance of probability.

19. Further, in the judgment relied upon on behalf of II Party, dated 06.05.1997, (Before Hon’ble Chief Justice and Mr. Justice S.P. Kurdukar), in the case of Sudhir Vishnu Panvalkar Vs Bank of India, it is held as follows only:- “We are of the view that these documents could be relied upon by the Bank to justify the order of termination on the ground of loss of confidence.” Also, in the judgment dated 11.08.2006, (Before Mr. Justice H.K. Sema and Mr. Justice A.K. Mathur), in the case of State Bank of India and others Vs Ramesh Dinkar Punde, it is held as follows:- “Loss of confidence is the primary factor and not the amount of money mis-appropriated.” Also, in the judgment in C.A. No. 3655/2010, (Before Hon’ble Justice Vikramajit Sen and Mr. Justice Prafulla C. Pant), in the case of Diwan Singh Vs Life Insurance Corporation of India and others, it is held as follows:- “And now he is found guilty for the second time. Therefore, in the above circumstances in view of the law laid down by this Court, as above, we are not inclined to interfere with the impugned order passed by the High Court.” However, in the present case it is found that, the II Party has not established the alleged offence committed by the I Party as per the Principle of Preponderance of Probability and also as per the principle of natural justice. Hence, the above mentioned citations submitted on behalf of II Party are not applicable to the facts and circumstances of the present case and also for the above mentioned reasons. Also, in the judgment relied upon on behalf of II Party, in the case of S.G. Desai Vs G.S. Dhotre & 2.., in C.A. No. 6022/1991, dated 07.11.2016, in the High Court of Gujarat, (Before Mr. Justice J.B. Pardiwala), it is held as follows:- “Thereafter, this Court notices the development of the principles that prejudice must be proved and not presumed even in cases where procedural requirements have not been complied with. The Court notices a number of judgments in which the action has not been held ipso facto illegal, unlawful or void unless it is shown that non-observance had prejudicially affected the applicant.”

20. Further, in the judgment reported in 2007-I-LLJ-728, in C.A No. 4573/2006, dated 19.10.2006, in Supreme Court of India (Before Mr. Justice M.K. Sharma and Mr. Justice H.K. Sema and Mr. Justice P.K. Balasubramanyan), in the case of Suresh Pathrella Vs Oriental Bank of Commerce, and relied on behalf of II Party it is held as follows:- “In such a situation it would be a futile exercise of judicial review to embark upon the decision of the disciplinary authority removing the office from service preceded by an enquiry unless the decision was tainted with malafide or in violation

of natural justice.” However, in the present case also, it is seen that decision of the II Party has been taken against the I Party in violation of principles of natural justice. Hence, after considering the material on records and facts and circumstances of the present case, this Tribunal comes to the conclusion that, II Party has not established the alleged misconduct committed by the I Party, as per the Principles of Preponderance of Probability and also as per the Principles of Natural Justice, for the above mentioned reasons.

21. Further, the I Party has stated in the affidavit dated 25.03.2014, that he has been dismissed from service by the II Party/Bank on 12.07.1997 itself, and he has worked as a part time clerk in Shree Veereshwar Financial Services and now he is an accountant and he is getting salary of Rs. 4,000/- p.m and he is also getting Rs. 4,000/- p.m as Interim Relief and he has completed LLB Degree and enrolled himself in Karnataka Bar Council in 2006 and his enrolment number is KAR 19/2006. However, I Party has stated in his evidence that he is not practicing as an Advocate. Further, in the cross-examination also I Party has admitted that he is working as Accountant in Veereshwar Finance Company at Hubli since 10 years and it is true to suggest that he has taken Sanath from Bar Council. Further, MW-2 the chief manager, has stated that, I Party is practicing as an Advocate and I Party has got roaring practice. However, to establish that, the I Party is having the roaring practice as an Advocate also II Party, has not produced the relevant records. Further, the I Party has relied upon the citation for the back wages reported in AIR 2005 Supreme Court 768 in C.A No. 271/2005, dated 11.01.2005, (Before Mr. Justice Arijit Pasayat and Mr. Justice S.H. Kapadia), in the case of Kendriya Vidyalaya Sangathan and another Vs S.C. Sharma, wherein it is held as follows:- “However, since employee had neither pleaded nor shown that he was not gainfully employed after dismissal from service – He is not entitled to full back wages.” In the present case it is seen that, I Party is entitled to get 50% back wages only, for the above mentioned reasons.

22. Further, the awarding of reinstatement does not amount to automatic conferment of back wages as held in 2009 (4) LLJ 667 (SC) Malla C.N. Vs State of Jammu and Kashmir & others. Further, it is held by the Hon’ble Supreme Court, in the case of APSRTC Vs B.S. David Pal, reported in 2006 (2) SCC 282, that the entitlement of back wages is not automatic on reinstatement. Awarding of back wages, depend upon other factors and circumstances. The I Party has pointed out in the claim statement that the I Party has been thrown out of employment and is facing hardship. In the affidavit also, the I Party has stated that with no financial income he is facing great hardship. However, the claim of the workman that he is entitled for the full back wages, cannot be considered, having regard to fact that the I Party has not performed any work for II Party from 12.07.1997 to till date, namely, for more than 19 long years, and also, the workman has admitted in his evidence that, he is working as a part time clerk in Shree Veereshwar Financial Services and now he is an accountant and he is getting salary of Rs. 4,000/- p.m and he is also getting Rs. 4,000/- p.m as Interim Relief, and also, in order to balance the interest of both the parties, this Court is of the considered opinion that in the facts and situation of the present case, 50% back wages only can be granted to the I Party. Further, in the judgment reported in ILR 1996 KAR 1874, Mr. Justice. Kumar Rajaratnam, in the case of S. Rathnakar Amrith Kamath Vs K.S.R.T.C., it has been held as follows:- “Industrial Dispute Act (Central Act No. 14 of 1947) Sections 2(s) & 25-F workman’s removal from service without complying with section 25-F, held, illegal-having suffered a long litigation, held, entitled not only continuity of service but with 50% of back-wages.” Accordingly it is found that in the above mentioned facts and circumstances the I Party is entitled to get 50% back wages from the date of termination namely 12.07.1997 to till the date of reinstatement. Further, in the above mentioned facts and circumstances, and long gap from the date of dismissal of I Party, with effect from 12.07.1997 to till date, it is seen that granting of 50% back wages would be adequate. Thus, the point is answered accordingly. Hence, the following award is passed.

AWARD

The II Party/Management is not justified in imposing the punishment of termination from the service of I party/ Shantaram V. Naik, and II Party, is directed to reinstate and to grant the monetary benefits to the I Party with continuity of service, and other consequential benefits that, he would have received in the absence of the impugned punishment of termination from service, but with 50% back wages LESS already paid amount to the I Party, and the present reference is answered, without cost for the above mentioned peculiar facts and circumstances.

(Dictated, transcribed, corrected and signed by me on 16th June, 2017)

V. S. RAVI, Presiding Officer

List of Witness on the side of I Party: (V)

WW 1	Sh. Shantaram V. Naik/I Party
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List of Witness on the side of II Party: (V)

MW 2	Sh. Shrikant Barve, Chief Manager/II Party
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Exhibits marked on behalf of I Party through MW-1: (V)

Exhibits	Date	Description of Document
Ex W-1	-	Nomination Form
Ex W-1(a)	-	Signature

Exhibits marked on behalf of I Party through WW-1: (V)

Exhibits	Date	Description of Document
Ex W-1	04.06.2012	Letter written by I Party to AGM
Ex W-2	04.07.2012	Letter written by I Party to AGM
Ex W-3	06.07.2012	Postal Acknowledgements and RPAD Receipts
Ex W-4	28.12.2011	Memo filed on behalf of II Party to the effect that the documents called for by I Party, the II Party is not in a position to trace out the same and to produce the same
Ex W-5	20.05.1996	Letter written by I Party to Disciplinary Authority
Ex W-6	15.12.1995	Proceedings of Enquiry

Exhibits marked on behalf of II Party: (V)

Exhibits	Date	Description of Document
Ex M-1	03.09.1994	Letter from I Party to II Party
Ex M-2	12.01.1994	Cheque of Rs. 22,500/-
Ex M-3	17.01.1994	Originating debits
Ex M-4	1994	Cheques Remittance Schedule
Ex M-5	04.06.1994	Letter from Chief Manager Karwar Branch to Hirekerur Branch
Ex M-6	05.09.1994	Letter from I Party to Chief Manager Hirekerur Branch
Ex M-7	27.08.1994	S/B Balancing Book
Ex M-8	13.04.1992	Term Deposit Receipt
Ex M-9	26.08.1994	Telegraphic Transfer Scroll
Ex M-10	26.08.1994	Telegraphic Transfer Challan